Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **AW/359/14/HH**

LOCATION: 29 Hewarts Lane
Aldwick

PROPOSAL: Rear single storey & side porch extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed hipped roof porch measures approximately 1.4m in width, depth of 2.2m with a maximum height of 3.3m. The proposed rear extension measures approximately 6.5m in width, depth of 6m with a maximum height of 4.8m.
SITE AREA	Approximately 540 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has is partly open with conifer hedging over 2.5m, east side boundary to access road close boarded fencing approximately 1.8m in height, west side boundary has wall 1.5m in height and close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey chalet property with side dormers, conservatory on rear to be demolished. Wooden outbuilding in rear garden.
CHARACTER OF LOCALITY	Residential road comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/148/96	Outline Application for demolition of existing commercial/ industrial buildings and erection of five detached private dwellings each with garage served by the private vehicular access drive.	ApproveConditionally 05-02-1997

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

There are no plans to develop the Aldwick Neighbourhood Development Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks to construct a rear extension and relocate the porch on the eastern side of the dwelling.

The existing porch is sited on the eastern side to the front of the dwelling and this is to be moved to the rear of the dwelling adjacent to the proposed rear extension. The property has an existing flat roof conservatory on the rear and this is to be removed and the proposed extension will be the whole width of the existing dwelling with a rear projection of 6m and will follow the existing roof line. The extension is considered to be visually subservient to the main dwelling.

With regard to residential amenity to the east of the site is an access road and the neighbouring property No 45 is sited approximately 7m away, With adequate distance it is not considered that

the extension would give rise to a loss of outlook. The immediate chalet style property to the west No 27 is sited approximately 3m away and this property has been extended on the rear with a pitched roof and flat roof extension. The Council as a consideration in determining planning applications have adopted a 45 degree rule which is used as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. The 45 degree line has been taken from the middle point of the patio doors on the rear and falls short of this rule by approximately 150mm. To provide for additional light into the kitchen area two roof lights are proposed on the west side elevation. With the roof sloping away from the boundary and the position of the roof lights it is not considered that the extension would give rise to a loss of outlook or daylight to the occupiers of No 27 to recommend refusal.

The porch and extension will be visible from the access road above the boundary fencing. However, it is not considered that this would have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the neighbouring properties.

It is therefore recommended to approve the application, subject to conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

Substitute Location 1:1250/Site 1:500 received on 3.3.15.
Proposed Floor 1:50 Rev D dated 22.12.14 received on 16.1.15.
Proposed Elevations 1:100 Rev B dated 16.1.15 received on 16.1.15.
Existing/Proposed Roof 1:500 dated 22.12.14 received on 16.1.15.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The materials and finishes of the external walls and roof of the porch and rear extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.