

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

REF NO: AW/360/14/HH

LOCATION: 91 The Fairway
Aldwick

PROPOSAL: Side extension for garage & store with guest suite over. This application affects the character & appearance of the Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission for the erection of a two-storey extension on the east side of this dwelling. The extension proposed would accommodate a double garage at ground floor with store room and stairs leading to the first floor to the rear. The first floor would accommodate a lounge, bedroom and shower/toilet. There would be no access to the new accommodation via the main house and access would be via a rear door from the rear garden. The extension would have a lower ridge line than the existing dwelling and be slightly set back from the front wall of the main house by approximately 200mm. The roof of the extension includes a partial hip to the side and therefore a reduced side eaves height which would be 4.6m. To the front of the extension a large dormer would provide for additional space at first floor. There would be 1 small side window at first floor lighting the bathroom. The accommodation would be for guests and staff.

Further details have been submitted relating to the relationship of the extension to the existing boundary screen planting. This indicates that the extension would result in the removal of the existing boundary screening in the area of the extension and its replacement with a privet hedge. The extension would be 1.1m from the side boundary line. The Parish Council and anyone who had made representations, including the Aldwick Bay Company, were advised of the revision.

SITE AREA

The area of the site is approximately 0.14 hectares.

RESIDENTIAL DEVELOPMENT DENSITY	This is a low density area of large varied house types.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance within the application site affected by the proposed development. There are significant trees in the verge to the front of the site and also in within the curtilages of adjoining dwellings, these are not affected by the proposal.
BOUNDARY TREATMENT	There is a significant screen hedgerow on the eastern boundary of the site with no.92 in the area of the proposed extension and of approximately 4m in height. The rear boundary of the site is a wood panel fence of approximately 1.8m in height as is the west rear side boundary and the boundary alongside the west elevation of the dwelling. The west side boundary at the front is also a 1.8m wood panel fence. The east side boundary at the front is a high screen hedgerow. The front boundary of the site with The Fairway is a red brick wall of approximately 1.9m in height with centrally located wrought iron gates.
SITE CHARACTERISTICS	The site comprises a large dwelling which has been recently extended. At the time of site visit these works were nearing completion. There is some relatively low front boundary planting which provides some screening. The front garden is laid to grass and includes a large parking and turning area.
CHARACTER OF LOCALITY	The area is characterised mainly by substantial two storey dwellings of varied design set within large plots.

RELEVANT SITE HISTORY

AW/83/12/	2 storey side extensions to replace single storey wings.	ApproveConditionally 17-05-2012
AW/137/12/	First floor rear extension	Withdrawn 18-07-2012
AW/230/12/	Extension to kitchen and first floor extension	ApproveConditionally

above (resubmission following AW/137/12/)

01-11-2012

The dwelling has recently been extended under AW/83/12 and this was for 2 storey side extensions to replace single storey wings.

The more recent planning permission AW/230/12 has not be implemented as was for an extension to the kitchen and first floor extension above. This is on the west side of the dwelling and for accommodation in addition to AW/83/12.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council has objected on the following grounds:

Members strongly objected to the application on the grounds that the proposed extension does not

sympathetically relate to and is not visually integrated with the existing building in siting, design, form, scale and materials; the extension is not visually subservient to the main building; the extension has an adverse overshadowing, overlooking or overbearing effect on neighbouring properties; the extension at first floor level comes within a minimum of one metre of the side

boundary; the extension compromises the established spatial character and pattern of the street.

Therefore Members agreed that the proposed extension is in direct conflict with the Arun District Local Plan 2003 Policy Dev. 19 (i);(ii); (iii); (iv) and (v) and with the Parish Design Statement Area 1 Development Criteria p 12

The Aldwick Bay Company comments:

We would ask that you take the following into consideration before deciding on the application:

1. There is a tall hedge along the east boundary, made up of conifers/shrubs/trees which is not shown on the site plan. This will be affected by the proposed extensions. The drawings should show the position and width of the hedge and varieties and to what extent it is going to be removed/retained/replaced.

2. The rear of the extension is 2 storeys high and may affect the incoming light of the adjoining garden and house to the east, 92 The Fairway.

3. The new bathroom window to the east should be frosted glass and fixed below 1.7m above floor level.

These comments resulted in a revised drawing being submitted which shows removal of the existing hedge and planting of a privet hedge.

2 letters have been received objecting on the following grounds:

i. Aldwick Bay Estate has been designated a conservation area in order that its character and appearance is preserved or enhanced.

ii. Supplementary Planning Guidance (SPG) relating to Conservation areas, specifies in para 1-3 that building layouts, scale of buildings, vistas and spaces between buildings are special features which under the principles of conservation (para 1.4) should be preserved. Those principles have already been significantly compromised by allowing the westerly extension to be built immediately abutting the property boundary, reducing the space between the buildings to an unacceptable and certainly within the estate, unusually small distance. This easily falls outside the guidelines in the SPG.

iii. The proposed easterly extension would also abut the property boundary, again in direct contravention to the SPG in particular para 2.3 (1) spaces created between buildings and 2.3 ii & iii.

iv. The proposed (and previous) extensions fall well outside the SPG principles and planning permission should be refused.

v. The proposed extension is totally out of keeping with the highly symmetrical mock-Georgian style of the house as extended.

Comments on Representations received:

Noted and the issues will be considered in the Conclusions section of this report.

CONSULTATIONS

Conservation Officer

Consultations responses received:

The Conservation Area Committee raises a strong objection as it considers the proposal detracts from the main dwelling and is not of a sympathetic design.

The Conservation Officer endorses the comments of the Conservation Area Committee.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Conservation Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)
[AREA2](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
Conservation Areas

SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
HER SP1 The Historic Environment
HER DM3 Conservation Areas
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to

Existing Buildings (residential and non-residential)

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

Aldwick does not have a Neighbourhood Area designation and has not prepared a Neighbourhood Plan.

The Aldwick Village Design Statement

In January 2014 this Council endorsed Aldwick Village Design Statement (AVDS) as a material

report

planning consideration. However, revisions requested have not been made and the AVDS is not in use.

AVDS Area 1 Aldwick Bay Conservation Area describes The Fairway as:

The special character of The Fairway derives from the low density layout, the high quality of the buildings both in material and style and the well landscaped gardens and verges. From the outset many trees were planted throughout the estate and although many of the finest mature trees were lost during the 1987 storm, replanting on a regular basis with arboriculture advice ensures a structured verdant appearance to the area.

The AVDS states in respect of Future Development in Area 1 that:

- Development should not be permitted within the confines of the estate (either within or outside the Conservation Area) unless the construction, layout, scale, appearance and landscaping are of high quality.
- Have regard to the local context

In terms of Extensions to Existing Residential Buildings the AVDS states that:

- The extension must sympathetically relate to and be visually integrated with, the existing building in siting, design, form, scale and materials.
- The extension must be visually subservient to the main building.
- The extension must not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.
- The extension must not compromise the established spatial character and pattern of the street scene.

Conservation Area Supplementary Planning Guidance

Arun District Council Conservation Area Supplementary Planning Guidance (October 2000) highlights the importance of the standard of design and that the special character of a Conservation Area is a material consideration. The objective of preservation can be achieved either by development which makes a positive contribution to character and appearance or by development which leaves the area unharmed.

National Planning Policy Framework

National Planning Policy Framework in respect of Conserving & Enhancing the Historic Environment states that Local Planning Authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and on the established character and appearance of the Conservation 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

PRINCIPLE:

The site comprises a previously developed and recently extended dwelling within the Built-up Area Boundary. In such locations, the principle of development is considered to be acceptable subject to other policies in the development plan.

The development plan and other planning guidance makes it clear that extensions to dwellings should not result in detriment to their visual appearance, to the amenity of adjoining occupiers or to the Conservation Area. Development should make a positive contribution to the Conservation area and not result in harm to its appearance or the appearance of existing development within it.

AMENITY & CONSERVATION AREA:

The subject dwelling has a symmetrical appearance and the recent extension on each side have a secondary appearance since they have lower ridge levels and are set slightly back. The extended dwelling is not centrally located and is closer to the west boundary of the site, approximately 1m from the side boundary. It is further away from the east boundary at approximately 7.6m.

The proposed extension seeks to utilise this remaining space to the east by erecting the proposed extension, the appearance of which has already been described earlier. Whilst the extension would have a lower ridge line and slightly set in front wall, it is still substantial. The design of the extension clearly seeks to mitigate potential visual impact. However, the result is that the proposed extension has a somewhat incongruous appearance when viewed alongside the symmetry of the existing dwelling. In addition, it does not reflect the design and appearance of the existing dwelling. In these senses, it is considered to be detrimental to the appearance of the existing dwelling.

It follows from the above, that the unsatisfactory visual appearance of the dwelling also results in detriment to the appearance of the dwelling in the Conservation Area and therefore on the Conservation Area itself. The proposal does not make a positive contribution and results in harm to the Conservation area for this reason.

It is correct that dwellings in The Fairway are characterised by the gaps between them, which contribute to the general spacious appearance of the area. In this instance the gap has been lost to the west of the dwelling. This proposal would result in the loss of the gap to the east and the adjoining dwelling is in close proximity. The extension for this reason is considered to result in

detriment to the appearance of the locality and the Conservation Area.

The proposed extension includes a first floor side bathroom window. this is not consider to be something which would necessarily result in detriment were permission to be granted, as a condition requiring obscure glazing an a non-opening window could be imposed.

The adjoining dwelling is presently well screened, this screening would be lost if the proposed extension were permitted and built. This dwelling has a side flank wall facing the site and it is not considered that detriment to the amenity of the occupiers would result from the extension, although the loss of screening until such time as replacement screening established itself would impact.

INTERNAL & EXTERNAL SPACE STANDARDS (Policies D DM2 & D DM3):

The Arun Local Plan (2011 - 2031) Publication Version (October 2014) has been approved for development management purposes. It includes two policies which seek to ensure that future residential occupants are provided with a satisfactory amount of indoor living and outdoor amenity space. Having analysed the scheme, the proposals are in accord with internal space standards.

PARKING:

Parking at the site is in excess of the 2 to 3 spaces required by Standards and as such is considered to be acceptable.

SUMMARY:

The proposal is not considered to result in detriment to adjoining occupiers such that it would be justifiable to withhold planning permission on these grounds.

However, the proposal is considered to be detrimental to the appearance of the existing dwelling and to result in an extension which would be incongruous in appearance and visually detrimental. The proposal would therefore also be detrimental to the Conservation Area and in addition result in the loss of a characteristic gap which contributes to the open and spacious appearance which characterises the Conservation Area which would also be detrimental to the Conservation Area.

RECOMMENDATION

It is therefore recommended that planning permission be refused due to the impacts set out above and refusal reasons set out in this report.

HUMAN RIGHTS ACT

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 private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours and others in relation to the protection of the

Conservation Area and appearance of the application dwelling as proposed in the planning application). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 the following impacts (negative, Neutral or positive) have 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

REFUSE

- 1 The proposal would result in the erection of an extension which would be detrimental to its appearance as a due to its incongruous visual appearance and its impact on the symmetrical appearance of the existing dwelling and would fail to preserve or enhance the character or appearance of the Conservation Area. The proposed development would therefore be contrary to policies AREA2, GEN7 and DEV19 of the Arun District Local plan 2003.
- 2 The proposal would result in a dwelling which extends almost completely across the plot at two storey level and as a consequence would result the loss of the visual gap between the dwelling and the and adjoining dwelling. A visual gap between dwellings is an important characteristic of the Conservation Area and as such the loss of the gap would be detrimental to the appearance of the Conservation Area contrary to policy AREA 2 of the Arun District Local Plan 2003 as it would fail to preserve or enhance the character or appearance of a Conservation Area. The development also fails to make a positive contribution to local character and distinctiveness of the Conservation Area and as such would also not be consistent with advice in the National Planning Policy Framework.
- 3 **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 identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.