

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

REF NO: **AW/37/14/**

LOCATION: 18 Fish Lane
Aldwick

PROPOSAL: Two storey & chalet extension with dormer to front & rear single storey extension. Resubmission of AW/298/13

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to front extensions with dormer and a single storey rear extension.
SITE AREA	Approximately 700 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has close boarded fencing approximately 1m in height, east side boundary has hedging approximately 1.8m in height,
SITE CHARACTERISTICS	Two storey property with front porch and conservatory on western side. Detached garage on eastern side with tarmac driveway. The property has brown brickwork with part render on the front gable painted cream, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential road comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/298/13/	Two storey side extension and single storey rear extension	Refused 03-01-2014
BR/101/56/C	Detached house and garage	ApproveConditionally 09-02-1957

REPRESENTATIONS

Representations received:

Aldwick Parish Council
Objection

Members strongly objected to the application on the grounds that the planned extension does not relate sympathetically to and is not visually integrated with, the existing building in siting, design, form, scale and materials; that the extension comes too close to the side boundary and is unneighbourly and overbearing and that the extension compromises the established spatial character and pattern of the street. Therefore, Members agreed that the application is in direct conflict with Policy DEV19 of the Arun District Local Plan 2003. The application also conflicts with the Development criteria of Aldwick Parish Council's Parish Design Statement.

1 Letter of Objection

Development is no improvement on the previous scheme. To the west is a two storey building which has been constructed extremely close to the boundary and the proposed development would sandwich my property between the two massive developments. Front extension is well in front of current building lines. Development is not in keeping with the original features of the traditional Fish Lane concept, dominant to a neighbours presence and generally without consideration to others. Detrimental to property values.

Comments on Representations received:

Parish Council and Objection comments noted

The proposed two storey extension on the western side will be no greater than the existing width of the dwelling and will still retain a gap of 0.9m from the boundary. In view of its front projection it will be sited approximately 4m from the neighbouring property to the west No 20.

With adequate distance to this property it is not considered that the extension would be overbearing to neighbouring properties or create a loss of outlook. See conclusions section of the officers report for impact on neighbouring properties. Effect on the value of property is not a material planning consideration.

The Village Design Statement has been endorsed as a material planning consideration by the Council and the advice contained therein has been afforded appropriate weight in the determination of this application. However, in this instance there are other considerations (see conclusions section of the officers report) carrying greater weight which would suggest that permission should be granted

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,](#)

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

SD SP2 Built -Up Area Boundary

Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):

D SP1 Design
D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings
ECC SP2 Energy & Climate Change Mitigation
The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY1:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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

PRINCIPLE

The site is located within the built up area boundary where the principle of development is acceptable subject to relevant development control criteria being met. The application seeks for a two storey and chalet extension with dormer to the front and rear single storey extension.

SITE HISTORY

A previous application AW/298/13 for a two storey side extension and single storey rear extension was refused on the basis that the two storey element would result in a prominent and cramped appearance to the dwelling and would be out of keeping with the visual amenities of the locality and would be detrimental to the appearance of the street scene.

CHARACTER AND APPEARANCE

The plans now submitted comprise two extensions to the front which has reduced the overall height of the two storey element adjacent to the western side boundary. The property has a conservatory on the front western side and this is to be removed and the two storey extension with front dormer will be set back from the front flank wall of the dwelling leaving a visual break between the adjacent property No 20. The adjacent two storey element will be sited in the middle of the dwelling and will be no higher than the existing roof height with a front projection of 3m with gable feature that will replicate the style of the existing gable. There is a garage on the eastern side with store and the single storey side extension which is sited approximately 0.375m from the eastern side boundary will link up with the rear extension having a rear projection of 4m.

RESIDENTIAL AMENITY

The neighbouring two storey property to the east No 16 comprises two flats and is set forward of the dwelling and the proposed front extension will be sited approximately 4.5m away. There is a balcony on the front west side of the dwelling at first floor level and there is a single storey flat roofed structure on the rear adjacent to the boundary, part of which is garages. There are no windows on the side elevation of the two storey element and the single storey rear extension

would project out to the same amount as the adjacent neighbouring structure. In view of its height and the absence of windows on the side elevations of the front and rear extensions it is not considered that the extensions would be overbearing or create any direct overlooking to the occupiers of the neighbouring flats.

The neighbouring property to the west is a two storey chalet property has a front bay window and window on the east side elevation that serve the living area and an obscure glazed dormer window on the side elevation fronting No 18. The proposed front extension will be sited approximately 4m from this property and will project forward by approximately 2m. With the roof line sloping away from this property it is not considered that this would be of overbearing nature or create a loss of outlook. This property has a single storey flat roof extension that is sited to the eastern side boundary with No 18 and projects out into the rear garden by approximately 5m. It is not considered that the rear single storey extension in view of its height and rear projection of 4m would be readily visible above this extension to the occupiers of No 18.

SUMMARY

The proposed extension would increase the scale of the dwelling but the site is of a size that can easily accommodate extensions of this size. The two storey extension and single storey extension retains a gap between the neighbouring properties so when viewed from the street frontage there is a visual break. With a distance of approximately 15m to the front of the site it is not considered that the extensions would impact upon the character and appearance of the street scene or have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended that the application be approved, 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: Location 1:1250, Block 1:500, Proposed Ground Floor 1:50 Sheet 1 of 4, Proposed First Floor 1:50, Roof 1:200, Elevations 1:100 Sheet 2 of 4 received on 10th February 2014.

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 two storey extensions and walls of the single storey 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.