

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

REF NO: **AW/48/15/HH**

LOCATION: 16 Barrack Lane
 Aldwick

PROPOSAL: Rear 1st floor extension and rear single storey extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Proposed first floor rear extension with hipped roof and single storey rear extension to rear of existing two storey rear return, this would have a flat roof. Materials to match existing have also been specified.

The original proposal included a replacement 1.8m front boundary wall. This was omitted following a request from the case officer.

SITE AREA

1407m²

RESIDENTIAL DEVELOPMENT DENSITY

Medium.

TOPOGRAPHY

Predominantly flat.

TREES

Array of mature trees to the front of the site, forming the front boundary.

BOUNDARY TREATMENT

2.5m hedge to side boundary (east) facing number 14 and 3m hedge to west boundary facing number 18. Mature trees and 1m brick wall.

SITE CHARACTERISTICS

Two storey detached property with gable end roof, white rendered walls and clay tiles set back from the road with large driveway and also a good sized rear garden.

CHARACTER OF LOCALITY

Suburban in character and the layout of the street consists of detached properties on large plots to the north side of the road and detached bungalows in smaller plots to the south. The road has an open and green character with grass verges and trees and hedges to most front boundaries and gardens.

RELEVANT SITE HISTORY

AW/218/86

Two storey extension

ApproveConditionally

report

27-10-1986

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members strongly objected to the application on the grounds that the proposed extension(s) would not sympathetically relate to and be visually integrated with, the existing building in siting, design, form, scale and materials; the extension(s) would not be visually subservient to the main building; the extension (s) would have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties; the extension (s) would compromise the established spatial character and pattern of the street. Members also objected to the fact that a Cordyline tree and other shrubs would have to be removed and they further consider that the proposed wall would alter the street scene. Members also commented that the drawings produced were not up to date and that no use was specified for the rear single storey extension. Therefore Members considered that the proposed application is in direct conflict with Policy Dev 19 (i),(ii), (iii) and (v) of the Arun District Local Plan (2003) and with the Parish Design Statement Development Criteria P 36.

One letter of objection

Objecting - loss of hedges and trees to the front of the site owing to the proposed wall. Concerns were also raised about the proposed 1.8m boundary wall (which has now been omitted from the scheme) not being in character with the road.

Comments on Representations received:

The proposed extensions are considered to be subservient to the main property. The first floor element would be set down from the main roof, be the rear of the property and have a hipped roof slope to match the existing property and existing two storey rear return. There is no direct view of the extension from the street scene and it does not damage the pattern of development within the street.

The single storey element is modest in size, located to the rear of the property with no impact on the street scene so is subservient to the existing property.

The host property is already set back from number 18 and the first floor element would be 9m away and has no proposed side windows. As such this element of the proposal would not result in demonstrable harm through overlooking, an overbearing impact or overshadowing to the neighbour amenities of number 18.

The objections to the proposed front wall have been resolved by the omission of this element of the proposal.

CONSULTATIONS

Arboriculturist

Consultations responses received:

TREE OFFICER

- This application refers to a proposed development of a rear 1st floor extension, rear single storey extension & boundary wall & gates to 16 Barrack Lane.

- From the submitted plans, there appears to be a possible conflict between the proposed construction process, and the respective RPA's of the established trees on site. This is most apparent for the proposed boundary wall, which from the submitted plans would appear to intrude into the RPA's of the established trees in the along the front boundary of the site.

- In any construction/demolition process on a site where established trees are situated, appropriate mitigation must be employed. This would be to meet the criteria, which has been specified by the BS5837:2012. This does state that a full tree survey is undertaken and an Arboricultural Impact Assessment prepared to include the Root Protection Areas (RPAs) of these trees and show this on a plan and then the report should detail how any potential adverse impact on the trees will be avoided and works undertaken outside of the RPA's and the shelterbelt screens fenced off with protective fencing.

- The applicant has also failed to submit a Tree Survey & Constraints Plan, a Tree Retentions and Removals Plan, or Tree Protection Plan.

- Without this information, no decision on the suitability of the mitigation offered for the onsite trees can be made.

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Comments on Consultation responses:

Following the omission of the front wall element of the proposal, no trees will be harmed or removed by the proposal so tree objections have been addressed.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOCAL PLAN
TREE PRESERVATION ORDER
CLASS C ROAD

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN7

Extensions to existing residential buildings
Built-up Area Boundary
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)
SD SP2 Built-Up Area Boundary

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; and Yapton.

Aldwick has no Neighbourhood Plan in place yet so it will not be a material consideration to this planning application.

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. As such the principle of extending the property is acceptable.

DESIGN

The first floor element would be set down from the main roof, be the rear of the property and have a hipped roof slope to match the existing building and existing two storey rear return. As there is no direct view of the extension from the street scene it is not considered to damage the pattern of development within the road.

The proposed single storey rear extension is residential in appearance and modest in height and overall size, it can not be seen from the street scene so will have little impact on visual amenity.

A materials to match condition will be included to ensure a external finish to complement the existing property.

The proposal is acceptable in design terms.

NEIGHBOUR AMENITY

The host property is already set back (by 7m) from number 18 and the first floor element would be set 9m away and has no proposed side windows. As such it is not considered that this element of the proposal would result in overlooking, an overbearing impact or overshadowing to the neighbour amenities of number 18.

A condition shall be included to prevent any further windows in the west side elevation of the first floor element to prevent any undue overlooking into the garden of number 18 in the future.

The single storey rear extension is also set 9m away from the neighbouring property of number 14 and is not considered large enough to have a detrimental impact on neighbour amenity.

PARKING

The proposal will create a six bedroom property. As the front driveway covers almost the whole frontage of the site it is considered that five cars can be comfortably parked on site. This is considered to be sufficient off road parking for a property of this size.

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 the following impacts (Neutral) 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

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 Sheet 2 of 5, Sheet 3 of 5, Sheet 4 of 5 received 26 February 2015 and Sheet 1a of 4 received 10 April 2015.

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 roofs of the extensions 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 No windows (other than those shown on the plans hereby approved) shall be constructed in the west elevation of the extension hereby permitted which adjoins the side boundary with 18 Barrack Lane, Aldwick without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.