

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

REF NO: AW/55/18/HH

LOCATION: 3 The Orchard
Aldwick
PO21 4HX

PROPOSAL: Rear and side, single and two storey extension incorporating rear balcony. This application affects the Character & Appearance of the Aldwick Bay Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application consists of: - a single storey west side extension. This will be 4.7m wide (the same width as the existing garage to the front), 8.1m deep, 2.5m to the eaves, 3.3m to the ridge; - a two storey rear extension. At ground floor this will be 5.8m deep, 10.05m wide, 3.1m high (with a flat roof). The first floor part is only 2.8m deep (plus the balcony at 2.85m deep) with the same width as ground floor. The two storey element is 5.2m to the eaves, 7.7m to the ridge. The extensions add a games room behind the garage, a living room extension, extensions to two first floor bedrooms and a replacement balcony above the living room extension. The balcony is to be screened on the sides by 1.7m high obscure glazed, non-reflective glass.
TOPOGRAPHY	Predominantly flat.
TREES	The application proposes to remove an 8m high Birch tree and two much smaller trees (a multi-stemmed Bay tree & an Ash Seedling) all located between the dwelling and no. 4. All other trees will be retained.
BOUNDARY TREATMENT	- 3-3.5m high hedge to no. 4 The Orchard with a 1.9m high close boarded fence behind this hedge; and - 3m high hedge to no. 2 The Orchard with a 1.9m high close boarded fence behind.
SITE CHARACTERISTICS	Detached two storey dwelling on a large plot with large garden to rear and driveway and garden to front. Part brick, part painted render, clay tiles to the roof. The property has two existing first floor balconies and then a further balcony within the roof above. Garage to the side. Off-street parking for 3-4 cars.
CHARACTER OF LOCALITY	Residential private estate and Conservation Area formed of detached dwellings on large plots with gardens to front & rear

and parking to front. Neighbouring properties consist of:

- * 2 The Orchard - Existing rear first floor and second floor balconies (screened to a height of 1m). Ground floor rear principal windows and conservatory; and
- * 4 The Orchard - predominantly obscured by hedging. Dormers observed within the roof to the rear and side elevations.

RELEVANT SITE HISTORY

AW/165/15/TC	Various surgery to 1No. Goat Willow tree, 1No. Holly tree, 3No. Bay tree, 1No. Laburnum tree, 1No Amelanchier tree, 1No. Eucalyptus tree & 1No. Leylandii tree - Within the Aldwick Bay Conservation Area	No Objection
--------------	---	--------------

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Objection - Members strongly objected to the application on the grounds that the proposed extension would not sympathetically relate to, nor be visually integrated with, the existing building in siting, design, form scale and materials and because it does not preserve or enhance a Conservation Area. Therefore Members agreed that the proposed development is in direct opposition to Policy Dev 19 (i) of the Arun District Local Plan Dev 19 (i); and Policy Area 2 and the Parish Design Statement page 30."

Two letters of objection from local residents and one from Ward Councillor Phil Hitchins. Concerns as follows:

- (1) Balcony will invade privacy of no. 2 The Orchard's upstairs study, main bedroom, sitting room, conservatory & garden;
- (2) Balcony & 1.7m high obscure glazing will be unattractive & totally inconsistent with the Conservation Area;
- (3) Loss of sunlight to no. 2 in later afternoon/early evening;
- (4) Harm to views of nearby trees;
- (5) Impact on house values;
- (6) The applicants did not discuss the project with neighbours prior to submission;
- (7) The extensions constitute an excessive overbuild of the property and is not acceptable in this Conservation Area;
- (8) The yellow site notice was posted on a tree on Manor Way, not on the tree between nos. 2 and 3 and was therefore assumed to relate to a tree application or to the new wall being built between no. 3 and Manor Way; and
- (9) No. 2's amenity adversely affected by views of the new blank side wall.

Aldwick Bay Company - no objection. Consider that the project as a whole is agreeable. Did have

concerns with the balcony but these concerns have been in part resolved through the proposed use of obscure glass screening. Consider that only the side extension will be visible in the streetscene and that the plans look sympathetic to the current style of the house.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted and will be discussed in the reports conclusions.

The following responses are offered in respect of the local objections:

- (1) Residential amenity issues will be discussed in the conclusions section. It should also be noted though that the rooms mentioned are already overlooked by no. 3's the first floor side bedroom window;
- (2) Visual amenity/Conservation Area issues will be discussed in the conclusions section;
- (3) Residential amenity issues will be discussed in the conclusions section;
- (4) There is no right in planning to a view and this is not therefore a material planning consideration;
- (5) Impact on house prices is not a material planning consideration;
- (6) There is no requirement to discuss proposals with neighbours before submitting an application;
- (7) Visual amenity/Conservation Area issues will be discussed in the conclusions section;
- (8) There is a lack of street furniture in this location and it was not considered appropriate to attach the notice to the small furry palm tree within the front garden of no. 3. The closest available position was thus a tree on Manor Way approximately 25m north of the property. The presence of comments from local residents suggests that the yellow site notice served its purpose; and
- (9) Residential amenity issues will be discussed in the conclusions section.

Aldwick Bay Company comments - noted.

CONSULTATIONS

Conservation Officer

Arboriculturist

Arboriculturist

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER: stated that the site is prominently located within the street frontage to The Orchard, that the property is one of the original houses, constructed as part of the Adwick Bay Estate, and exhibits many fine features, materials and finishes typical of the period, and in the manner of the Aldwick Estate, where each house was designed to be unique. Much of the proposed extensions would not be visible from the public realm but that the proposed glazed balcony on the 'side elevation' would be visible from the street scene. Considered that this element would represent an alien intrusion, and is recommended that this element be revised to a non-reflective surface, that would retain the visual permeability of the site.

ADC TREE OFFICER: Initially objected due to the lack of an acceptable Tree Protection Plan but following receipt of this is happy with the protection proposed in respect of the Laurel Hedge between nos. 3 & 4 and the Cherry tree to the rear. No objection is raised to the removal of the three trees to the side. Condition requested to ensure the tree protection measures are adhered to.

COMMENTS ON CONSULTATION RESPONSES:

In respect of the Conservation Officer comments, the applicant was initially requested to amend the balcony screening to propose wrought iron railings. However, this was then considered to allow overlooking of the neighbouring property and was changed back to 1.7m high obscure glazed screening. However, the applicant has specified that this will have a non-reflective surface and a condition is proposed to ensure this. It should also be noted that the side balcony screen will only just be visible through the gap between nos 2 & 3.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Aldwick Bay Conservation Area;
Tree Preservation Order;
Pagham Harbour Zone B; and
Special Control of Adverts.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings

Publication Version of the Local Plan (October 2014):

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD10	Aldwick Parish Design Statement

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014

and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Aldwick have not developed a Neighbourhood Development Plan but has published a Design Guide.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it would preserve the character 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 is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as design, visual & residential amenity and parking provision.

IMPACT ON THE CONSERVATION AREA:

The Parish Council consider that the proposal will not preserve or enhance the Conservation Area. In addition, local residents consider that the balcony will be unattractive & inconsistent with the Conservation Area and constitute an excessive overbuild of the property.

Policy AREA2 of the Arun District Local Plan states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting"

Policy HER DM3 of the emerging Local Plan sets out the following criteria to be applied to development affecting a Conservation Area:

- a. New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings;
- b. Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area;
- c. Traditional features such as shop fronts, walls, railings, paved surfaces and street furniture are retained and restored;
- d. Unsympathetic features are removed and missing features are restored or reinstated;
- e. It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges;
- f. It does not harm important views into, out of or within the Conservation Area.

The Councils Conservation Officer commented that much of the proposal would not be visible from the public realm and indeed, only raised concern with the reflective nature of the glazing to the rear balcony.

The balcony side screen will only have limited visibility in the streetscene when viewed through the gap between nos. 2 & 3 from The Orchard or from Manor Way. The applicant has responded by stating that the glazed screen will be constructed using as a low a reflective surface as possible. This will be controlled by condition. This use of low reflective glass coupled with the limited visibility of the screen is considered to be such that the balcony screen will not a materially harmful impact on the Conservation Area.

It is also noted that the proposal seeks to reinstate original slit window designs within the first floor flank elevations.

The Conservation Officer raised no concerns with the other elements of the proposal which propose matching bricks and tiles and are of a similar style to the host dwelling. The proposal is therefore considered to be in accordance with the policy AREA2 of the Arun District Local Plan.

RESIDENTIAL & VISUAL AMENITY:

The Parish Council consider that the proposal will not sympathetically relate to, nor be visually integrated with the existing building in siting & design. In addition, objections have been received from nearby residential occupiers on the grounds of loss of privacy/overlooking to no. 2, loss of sunlight to no. 2 and an overbearing impact of the extensions on no. 2.

Arun District Local Plan Policy GEN7 indicates that planning permission will only be granted for schemes displaying high quality design & layout and do not have an unacceptable adverse impact on adjoining occupiers. Furthermore, Policy DEV19 requires that extensions be visually subservient to the existing building, reflect the existing streetscene, not result in a terracing effect and be visually integrated with & sympathetically relate to the existing dwelling. Policy DEV19 also requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The site is defined within the Aldwick Parish Design Statement as being part of Character Area 1 (Aldwick Bay Estate). This document does not form part of the development plan but is a material consideration in the determination of this application. Therefore, the following development criteria in respect of extensions are relevant in this case:

- New development should protect and where possible reinforce the character of the surrounding area;
- New development should work with rather than against the characteristics of the site and the surrounding area;
- New development should protect existing views and create new views and use materials and building styles which are appropriate in the local context;
- Planning permission should only be granted for schemes displaying high quality design and layout;
- Development proposals involving new buildings or significant extensions or alterations, must be accompanied by an illustrated written analysis of the site and its immediate settings;
- Development should be permitted provided it does not have an unacceptable adverse impact on adjoining occupiers, land uses or property and, where relevant, facilitates the development of adjoining sites;
- All applicants should be encouraged to improve the visual amenities of a particular locality in scale, external appearance, hard and soft landscaping and materials;
- The extensions should sympathetically relate to and be visually integrated with, the existing building in siting, design, form, scale and materials;
- The extensions should be visually subservient to the main building and must not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- Materials matching the existing building should be used where appropriate;
- In streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level should not come to within a minimum of one metre of the side boundary;
- There should be strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof re-design should be sympathetic and in keeping with the character of existing properties; and
- The extensions should not compromise the established spatial character and pattern of the street scene.

The extensions are solely to the rear of the building and it is not considered that they will have an impact on the street scene of The Orchard. It is also noted that matching materials are proposed, the

extensions are of a similar style to the host dwelling and that they are all subservient in nature.

One of the concerns is in respect of the new 2.8m deep first floor extension and its overbearing impact on no. 2. However, this wall is to the side of no. 2 and will be 6m from the nearest part of no. 2. Furthermore, no. 2's rear facing views will continue to be unhindered. No. 3 is sited due west of no. 2 and as such the ground & first floor extensions will only affect sun light reaching the neighbouring property in the evening - and then only very slightly given the short depth of the first floor extension and the 6m gap to the neighbour. This is not considered to be materially harmful to the enjoyment of the neighbours dwelling.

In respect of privacy & overlooking, members should note that the applicant already enjoys clear views over no. 2's rear first floor balcony, rear ground floor patio and rear windows. This being either from the existing flank bedroom window or their existing balcony which only has 1m high brick side screen. Also, it should be noted that no. 2's rear first floor balcony only has 1m high screening to its sides and as such allows views out towards no. 3's existing side windows.

As part of the rear extension, the existing secondary first floor flank bedroom window (which looks onto no. 2's rear) will be replaced by a much narrower slit window. This will result in a significant improvement in the privacy of no. 2. The proposal also adds a new slit window on the this flank wall to serve a new en-suite bathroom. Notwithstanding the narrow nature of these two windows (each being approximately 15cm wide), a condition will be applied to ensure that both of these will be obscure glazed.

It is also considered that the act of extending the balcony and installing 1.7m high side screens will be a significant improvement on the existing balcony which only has 1m high side screens and thus already allows unhindered views of no. 2's windows, balcony and rear garden. The effect of these new screens will be to focus views from the new balcony out over no. 3's own rear garden and not over neighbouring properties.

The proposal is therefore considered to be in accordance with the policies DEV19 and GEN7 of the Arun District Local Plan and with the criteria of the Aldwick Design Statement.

OTHER MATTERS:

The Tree Officer has confirmed that there is no objection to the removal of the three low amenity trees to the to the west side of the site. Furthermore, the protection plan in respect of the hedge on the west side and the cherry tree to the rear is now acceptable. The proposal does not increase the number of bedrooms and therefore the application does not generate any need for additional car parking.

SUMMARY:

The Parish Council and local resident objections have been carefully assessed but it is not considered that the proposed extensions will result in a materially adverse impact on the character of the Conservation Area or on the amenities of neighbouring properties. Indeed, it is considered that the replacement windows to the first floor east facing elevation and the use of 1.7m high screens to the side of the balcony will result in significantly less overlooking than there is with the current situation. The Council's Conservation and Tree Officers are supportive of the proposals and as such, it is recommended that planning permission be granted subject to the following 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 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 the following impacts 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).

The proposal would have a neutral impact on the protected characteristics.

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 & Site Plan (02/01/18);
Proposed Plot Plan (08/02/18);
Proposed Ground Floor Plan Rev A (31/01/18);
Proposed First Floor Plan Rev C (19/03/18);
Proposed Elevations Rev F (15/04/18);
Existing and Proposed Roof Plans (31/01/18); and
Tree Protection Plan Dwg. 1035-5400 Rev A.

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 No development above damp proof course (DPC) level shall take place unless and until a sample of the non-reflective obscure glazed balcony glass has been submitted to and approved by the Local Planning Authority. The obscured screening hereby approved shall be installed within 1 month of completion of the works and shall be retained in perpetuity.

Reason: In the interests of amenity and the preservation/enhancement of the Conservation Area in accordance with policies AREA2, GEN7 and DEV19 of the Arun District Local Plan.

- 4 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels occurs a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837 and have been erected and positioned exactly as shown on the Tree Protection Plan (Dwg.No. 1035-5400, Date: 27th April 2018).

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 5 The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture with those of the existing building.

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

- 6 The two new first floor east facing slit windows shall at all times be glazed with obscured glass.

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

- 7 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.