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

REF NO: **A/122/17/HH**

LOCATION: 6 Lucksfield Way
Angmering

PROPOSAL: New roof with front & rear dormers to incorporate living accommodation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to convert the roof into a living space. Additionally, the creation of a one rear and three front dormers.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m fencing to rear with an open plan front garden and driveway.
SITE CHARACTERISTICS	Site is populated by a two storey dwelling, with a driveway to the West of the property.
CHARACTER OF LOCALITY	The site is in a relatively new development, and is populated by a mix of housing styles and types.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:
Parish Council - No response.

No representations from nearby occupiers.

Comments on Representations received:
N/A

CONSULTATIONS

Consultations responses received:
None.

Comments on Consultation responses:
N/A

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design
Angmering Neighbourhood Plan 2014 POLICY HD1		Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD5		Built Form

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Angmering has a 'made' neighbourhood plan, Polices HD1 and HD5 are deemed to be relevant to this 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 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 would 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 in accordance with the relevant planning policies in accordance with GEN2 of the Adopted Local Plan and HD1 of Angmering Neighbourhood Plan. In this case, the key policies are deemed to be GEN7 and DEV19 of the Arun District Council Local Plan and HD1 and HD5 of the Angmering Neighbourhood Plan.

DESIGN AND VISUAL AMENITY
By virtue of its location the proposed development will be clearly visible within the street scene and it is considered that given the scale and bulk of the proposed development it will have an unacceptable detrimental impact upon the established spatial pattern and character of the locality.

The proposal by virtue of its design is deemed to be out of keeping with the established character of the area. It is acknowledged that whilst there are examples of dormer windows on nearby properties these are considered to be more sympathetic to the character of the host dwellings and the locality in general as a result of their design.

The proposed dormer windows by virtue of their design and significant bulk are not considered to appear well integrated or subservient to the host dwelling. Therefore the proposal is deemed to be in conflict with Policy DEV19 (i) and (ii) of the adopted Local Plan.

The dormer proposed on the Southern elevation of the dwelling will measure approximately 2.6m in height, 2.4m in depth and 8.8m in width. It is considered that the design and scale of the dormer will have a dominant appearance and therefore a significant impact upon the character of the locality and the host dwelling, when viewed from William Olders Road (to the south).

The 3No. dormers on the Northern elevation will match the height of the proposed ridge height. In addition there are no examples of 3 dormer windows to the front of properties in the vicinity of the application site. As a result, they would have an adverse impact upon the character of the host dwelling and as such would be in conflict with GEN7(ii) of the adopted local plan and HD5 of the neighbourhood plan.

NEIGHBOURING RESIDENTIAL AMENITY
The proposal is not deemed to give rise to any overbearing impact, this is predominantly due to the separation distance of over 10m to abutting properties. There is not deemed to be any adverse impact on the overlooking impact on adjoining properties, as there are no neighbouring overlooking windows. Therefore, the proposal is deemed to be in accordance with GEN7(iv) and DEV19(iii).

SUMMARY
The proposed development is deemed to be in conflict with GEN7(ii) and DEV19 (i) and (ii) of the Arun District Council Local Plan and HD5 of the Angmering Neighbourhood Plan. Therefore, the application is recommended for refusal due to its unacceptable detrimental impact on the character of the area as a result of the number, design and size of dormer windows proposed.

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

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

REFUSE

1 The proposed development by virtue of the number design and bulk will have an unacceptable impact upon the character and appearance of the area, in conflict with policies GEN7 and DEV19 of the Arun District Local Plan, HD5 of the Angmering Neighbourhood Plan and the National Planning Policy Framework.

2 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 with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.