

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

REF NO: A/126/13/

LOCATION: 1 Claremont Close
Angmering

PROPOSAL: Proposed single storey side extension and rear conservatory

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The single storey side extension measures approximately 6m in length, approximately 3.6m in depth and approximately 4.6m in height. It will have brown brick elevations and a hipped tiled roof to match existing. The proposed conservatory on the rear elevation measures approximately 4.3m in length, approximately 2.5m in depth and approximately 3.5m in height. It will be predominantly glazed with a brick plinth that matches existing brickwork.
SITE AREA	Approximately 200 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front. Close boarded fencing to sides and rear at approximately 2m in height.
SITE CHARACTERISTICS	A two storey end of terrace property. It has brickwork on its lower elevations with tile hanging above. The roof is hipped with brown pantiles. A public footpath is situated to the west of the terraced row containing the site which provides access to Lansdowne Way to the south. There is a private pedestrian access running to the side and rear of the property providing access to bin storage.
CHARACTER OF LOCALITY	Predominantly residential in character, the property is situated within a cul-de-sac with other terraced properties. There are mainly semi-detached properties to the north and south of the site in Lloyd Goring Close and Lansdowne Way.

RELEVANT SITE HISTORY

A/78/09/

Terrace of 4 no. 2 bed houses - resubmission following A/75/08/ ApproveConditionally
04-11-2009

REPRESENTATIONS

Representations received:

Angmering Parish Council

Angmering Parish Council

No objection.

Two letters of objection.

The conservatory is of a height that would overshadow the garden and property of Number 2 Claremont Close. The conservatory would also detract from the enjoyment of the garden and creates a feeling of being 'boxed in'.

Loss of property value and marketability.

With reference to the single storey extension, the property is a new build and the size was self evident at purchase. Any increase in the size of the dwelling may increase the number of people in the property with impact on the local community through increased congestion and blocking the adjacent footpath.

Comments on Representations received:

Comments noted. In response to the letter of objection, it is considered that the conservatory by virtue of being predominantly glazed and hipped away from the boundary will not cause harmful overshadowing on to the property and garden of 2 Claremont Close. Loss of property value and marketability are not material planning considerations and so these issues cannot be taken into account.

All properties, irrespective of being new builds, have the right to extend, at least in principle. The extensions giving potential rise to an increased number of people at the dwelling is not a planning consideration.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[DEV19](#)

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

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a side extension and rear conservatory. Both extensions are visually subservient to the dwellinghouse by virtue of their size and are consistent in development type with the residential character observed in the area.

The side extension has a roof pitch which matches the roofslope angle of the property. There will also be matching materials to ensure that it blends in and is sympathetic with the host dwelling.

The extension has also been set back from the front building line of the property by approximately 3.2m and so it will not be unduly prominent in the street scene.

The conservatory is situated on the rear elevation where it will not be seen from any public vantage point. The brickwork used on the plinth wall matches existing and is generally acceptable in terms of its siting, form and design.

The extensions are therefore considered to comply with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The side extension has two rooflights to the side (east) and one to the front and rear. However, these are considered to not cause any harmful residential effects due to the rear boundary treatment consisting of close boarded fencing at 2m in height, together with adequate distances retained to neighbouring properties.

It is acknowledged that the proposed conservatory is situated in close proximity to the boundary line with Number 2 Claremont Close. In this regard, the Council has adopted the 45 degree rule for the determining of planning applications to the rear of properties to ensure that extensions do not seriously affect a neighbour's outlook or daylight. In this case, the proposal fails the 45 degree rule. However, since the conservatory is predominantly glazed in nature and has a roof which is sloped away from the boundary, any overshadowing, overbearing effect or loss of light that may be caused will not be at a demonstrable level of harm. This is particularly because the boundary treatment consists of close boarded fencing at approximately 1.8m in height which is considered to adequately shield the bulk of the conservatory which at the boundary line is the eaves height of approximately 2.5m.

The extensions are therefore considered acceptable in terms of residential amenity and therefore the application complies with policies GEN7(iv) and DEV19(iii) of the Local Plan.

It is therefore recommended that the application be approved, 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 family and private 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: drawing numbers 13/4102/2 (Existing elevations) dated October 2013, 13/4102/1 (Proposed elevations) dated October 2013 and 13/4102/1 Substitution (Block and location plans) dated 28th October 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the side extension and brick plinth wall of the conservatory hereby permitted shall match in colour and texture to 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.