

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

REF NO: A/139/15/HH

LOCATION: Dovedale
West Drive
Angmering

PROPOSAL: Loft conversion

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the construction of a dormer extension on the primary elevation of the dwelling adjacent to West Drive, as well as the addition of a window on the eastern elevation of the dwelling at second floor level and a rear roof light.

SITE AREA

Approximately 625 square metres.

TOPOGRAPHY

The site itself is predominantly flat but is on land raised by approximately 1 metre above the level of the road.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

front boundary of the site is open to the highway with a 1.8 metre high brick wall located to the rear of the dwelling.

SITE CHARACTERISTICS

The site is occupied by a detached two-storey dwelling constructed from brick with a tiled roof.

CHARACTER OF LOCALITY

The site is part of a group of dwellings that are clustered around a cul-de-sac which branches off from West Drive. Dwellings have open frontages and relatively large gaps are maintained between buildings, helping to generate a spacious character and appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection - Considered at Planning, Conservation & Development Committee Meeting

03/11/2015

1 No. Letter of Objection:

- Harmful impact of proposal upon residential amenity.
- Side window will result in direct overlooking of rear garden and habitable rooms.
- Rear velux window overlooks all our main habitable rooms and rear garden.

Comments on Representations received:

Comments from the Parish Council noted.

In response to the 1 No. letter of objection:

- It is acknowledged that aspect of the development have the potential to give rise to overlooking.
- A condition has been included in relation to the side window which will specify that the window will be obscurely glazed and non-opening. The Council have adopted the wording present within the Town and Country Planning (General Permitted Development) Order 2015 in relation to the proposed window. Requiring it to be obscurely glazed and non-opening below 1.7m.
- The proposed roof light on the rear of the dwelling could be constructed without any requirement to obtain consent from the Local Planning Authority. The proposed rear roof light would benefit from permitted development rights under Schedule 2, Part 1, Class C of the Town and Country (General Permitted Development) Order 2015. Therefore, it would be unreasonable for the Local Planning Authority to restrict the operation or construction of this window.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Outside built area boundary

PD restriction

Open Plan Condition

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN3
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Angmering Neighbourhood Plan 2014 POLICY
HD4

Angmering Neighbourhood Plan 2014 POLICY
HD5

Protection of the Countryside
The Form of New Development
Extensions to existing residential buildings

D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

Materials

Built Form

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.

The Angmering Neighbourhood Plan has been made and policies HD4 and HD5 are considered relevant in the determination of 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 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 application site is located outside of the built up area boundary. However, it is a site already occupied by a dwelling house with residential development present in close proximity to the application site. Therefore, the proposed alteration is not considered to be in conflict with policy GEN3 of the Arun District Local Plan.

The main policy considerations in the determination of this application are considered to be policies GEN7 and DEV19 of the Arun District Local Plan as well as policies HD4 and HD5 of the Angmering Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

The proposed dormer will be located on the primary elevation of the dwelling and will be visible within the street scene when the property is viewed from West Drive. The proposed dormer window is modest in size measuring 2.2 metres in width and a 2.5m in height. The dormer will extend 1.2 metres from the existing roof slope of the dwelling and will not project further than the existing gable element of the roof. Therefore, by virtue of its size, design and location the proposed dormer is considered to appear subservient to the host dwelling in accordance with policies GEN7 (ii) and DEV19 (ii) of the Arun District Local Plan as well as policy HD5 of the Angmering Neighbourhood Plan.

The proposed dormer will be constructed from materials which will match in appearance those already present on the host dwelling. As such the proposed dormer is considered to appear well integrated with the host dwelling in accordance with policy DEV19 (i) of the Arun District Local Plan and HD4 of the Angmering Neighbourhood Plan.

The application includes the addition of a window on the eastern elevation of the property which will have the potential to give rise to adverse overlooking of the neighbouring residential property. Therefore, a condition has been included which has restricted this window to being non-opening below 1.7m and obscurely-glazed.

The rear roof light is not considered to have any unacceptable adverse impact upon the design or character of the host dwelling. It should also be considered that the proposed roof light could be constructed under permitted development rights granted by Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015.

RESIDENTIAL AMENITY

The proposed dormer window being located on the primary elevation of the dwelling is not

considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon the residential amenity of neighbouring properties.

The application includes the addition of a window on the eastern (side) elevation of the property which will have the potential to give rise to adverse overlooking of the neighbouring residential property. Therefore, a condition has been included which has restricted this window to being non-opening below 1.7m and obscurely-glazed.

The rear roof light has the potential to provide oblique overlooking of the rear garden of the neighbouring property. However, it must be considered that the proposed roof light would benefit from permitted development rights under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015. Therefore, the inclusion of any conditions requiring this window to be obscurely glazed or non-opening is considered unreasonable.

Therefore, the proposed development is considered to be in accordance with the requirement of policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

It is recommended that planning permission is granted for the proposed development subject to the below 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 no impacts have been identified upon any 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: Proposed Block Plan; Proposed Plans; and Proposed Elevations.

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 dormer 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 The proposed second floor window on the eastern elevation of the dwelling shall at all times be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

- 5 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 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.