

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

REF NO: A/159/14/HH

LOCATION: Broad Acres
12 East Drive
Angmering

PROPOSAL: Two storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a 2 storey extension on the east side of the building. It would have a depth of 12.6m at its deepest point and a maximum width of 2.4m.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedging fencing to 10 East Drive to approximately 2m high. Walling approx. 1m high to site frontage.

SITE CHARACTERISTICS

Detached 2 storey dwelling with painted elevations and plain tile roof. Car port to east side.

CHARACTER OF LOCALITY

Predominantly residential characterised by detached dwellings of varying design set back significantly from the site frontage.

RELEVANT SITE HISTORY

A/51/49

Sun porch

Approve

07-10-1949

REPRESENTATIONS

Representations received:

Angmering Parish Council

Awaited

2 letters of no objection have been forwarded by the agent.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[DEV19](#)

[Publication Version of the Local Plan \(October 2014\):](#)

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)
D SP1 Design

PLANNING POLICY 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.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area. Whilst, DEV19 requires extensions to existing residential buildings to be sympathetic in relation to the existing building in siting, design, form, scale and materials; subservient to the main building; and to not cause any overshadowing, overlooking or overbearing effects upon neighbouring properties.

DESIGN AND VISUAL AMENITY

This application seeks permission for alterations to create a 2 storey side extension on the east side of the property. It would not extend beyond the rear or front of the existing dwelling and would leave a gap to the boundary of 0.4m.

The proposed design and materials would match the existing dwelling and the extension would subservient to the main dwelling having a lower roof height. It would replicate the appearance of

the existing garage and first floor area above and would be integrated into the main dwelling. It is deemed to be sympathetic and in keeping with the existing character of the area. It is visually integrated with the existing building in terms of siting, design, form and scale. As such, the design of the proposal is deemed to be in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

The extension would be close to the east side boundary, but would retain a first floor gap to the western boundary in excess of 1m. It would increase the first floor width of the dwelling, but this would be acceptable in terms of its impact on the street scene. The area is defined by detached properties of varying design and some of these properties (which includes no.14 to the west of the site) are located within a metre of the boundary. The proposal would not result in a terracing effect or adversely affect the existing character.

RESIDENTIAL AMENITY

The proposed extension has 3 first floor windows in the side elevation which would be obscure glazed and non-opening below 1.5m which would prevent direct overlooking of the adjacent dwelling. The extension would project beyond the rear elevation of the adjacent dwelling as is the case with the existing dwelling. It would be 1m closer to the boundary than the existing dwelling in this region and would have the same eaves height. Whilst it would result in additional overbearing effects it is not considered that these would result in material harm given the size of the adjoining garden and the 2m distance of the dwelling from the boundary. There are no windows in the side elevation of the neighbouring dwelling and therefore there would be no adverse loss of light or outlook. There would therefore be no adverse effect on residential amenity.

The application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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 (the 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 neutral 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).

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 339.14.04 and 339.14.05

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 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 windows at first floor level on the east elevation of the extension shall at all times be glazed with obscured glass and fixed to be permanently non-opening below a height of 1.5m.

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level or above in the east elevation of the extension without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 6 **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.