

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

REF NO: A/59/26/HH

LOCATION: 115 Downs Way
East Preston
BN16 1AD

PROPOSAL: Demolition of existing conservatory and construction of a single storey, mono-pitched extension at rear. Removal of garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Angmering Parish Council - No objection.

1 letter of support has been received from a neighbour, noting that the existing conservatory is in need of replacement. They have support the retention of the mature tree in the rear garden.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site includes a two storey, end of terrace dwelling. The proposal is for the removal of the existing conservatory, to be replaced with a single storey rear extension. Demolition of the garage to the rear of the site is also proposed.

The single storey rear extension would have a depth of 4.5m, 2.2m deeper than the existing conservatory. The Arun Design Guide (ADG) states that rear extensions should not exceed 3.3m in depth. Further to this, the ADG advises that rear garden depth should be a minimum of 10.5m; a garden

with a depth of 10m would be retained as part of this proposal. However, given that the garage to the rear is proposed for demolition, the resultant amenity space serving the host dwelling would not be significantly different to the existing amenity space in this instance. Furthermore, the applicant has also reduced the extension by 0.5m after discussions with officers, in an effort to better satisfy ADG guidance.

Neighbouring dwellings have implemented both flat roof, pitched roof and conservatory style extensions at the rear of their properties. The proposed extension would not appear at odds with existing built form in the locality, considering the shallow-pitched flat roof (built to a height of 3.5m). The extension would include two roof lights, set centrally and symmetrically on the roof slope, in accordance with ADG guidance.

The extension would be a subservient addition and, in light of the amendments and associated demolition of the garage, the proposal would not result in harm to design or visual amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

NEIGHBOURING RESIDENTIAL AMENITY

115 Downs Way has neighbours to the north and south (attached only to the southern neighbour). Given that the roof of the proposed extension would be pitched, with the maximum height adjacent to the rear elevation of the dwelling, and the fact that the extension would not project beyond the rear elevation of the neighbouring extension to the north, the proposal would not result in any harm to the neighbour to the north by way of overbearing or overshadowing impacts.

The extension would likely result in limited overbearing and overshadowing impacts on the neighbour to the south (113 Downs Way), given that the extension would be set in from the shared boundary by 0.2m only and would extend approximately 1m above the existing boundary treatment. However, there is a shed currently abutting the site boundary, which projects above the boundary treatment, and the proposed extension would partly replace an existing conservatory. Therefore, while there would be harm arising from the extension, given the existing built form, the resultant harm would not, on balance, result in undue harm to neighbouring amenity by way of overshadowing or overbearing impacts.

Single storey in height, with fenestration (sliding doors) on the rear elevation, any views achievable would be of the rear garden only. As such, the proposed extension would not result in any overlooking.

The proposal would not result in undue harm to neighbouring amenity and is, on balance, in accordance with Arun Local Plan policies D DM1 and D DM4.

PARKING

The existing garage could not accommodate a policy compliant parking space (3m X 6m). Therefore, the removal of the garage would not result in the loss of an off-street parking space, resulting in no further harm to parking availability.

It should be noted that the garage compound to the rear appears to be used as an informal parking for the host dwelling and its neighbours. There is also off-street parking available along Downs Way.

While not strictly compliant with the Arun Parking Standards in terms of off-street parking provision, the proposal would not result in harm to the highway network, in accordance with Arun Local Plan policy T SP1.

SUMMARY

The proposal is broadly in accordance with relevant development plan policies and is therefore recommended for approval, subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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 Plan
Block Plan 3
Existing and Proposed Elevations 04/1001 B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the

meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.