

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** BN/20/17/HH**LOCATION:** Clytha Cottage
Yapton Road
Barnham**PROPOSAL:** Demolish existing unit & replace with a replica roof extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Single storey rear extension with shallow gable end roof, 2 No. roof lights to both roof slopes and single side facing window in both side elevations.
SITE AREA	0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fences to sides and rear. Low 1m fence to front.
SITE CHARACTERISTICS	Detached two storey dwelling with driveway to front. Long garden to rear.
CHARACTER OF LOCALITY	Ribbon of residential development within a wider rural setting. The properties are mainly two storey and single storey detached dwellings on medium sized plots.

RELEVANT SITE HISTORY

BN/35/13/	Rear single storey extension	ApproveConditionally 13-01-2014
BN/5/16/NMA	Application for a non- material amendment following the grant of BN/35/13/ to enlarge utility room window, 2 No. windows in extension flank wall & window substituted for door in extension flank wall.	Approve 17-02-2016
BN/71/16/NMA	Application for a non-material amendment following grant of planning permission BN/35/13 - change of shape, size & revised door & window configuration	Refused 12-01-2017

Planning permission granted for a single storey rear extension in 2014.

REPRESENTATIONS

Representations received:

Barnham Parish Council

No objection.

Two letters of representation received objecting on the grounds of:-

-health and safety. The tiles could be made of asbestos.

-the proposed extension and its roof tiles are out of character with the dwelling and surrounding properties.

Comments on Representations received:

Comments noted.

The materials which the existing rear element of the dwelling are constructed of and their safety during construction are not an issue that can be addressed at the planning stage. This is a building regulations consideration.

The development would be to the rear of the property so will have a limited impact on the character of the dwelling or street scene. It is not considered the application could be refused on the grounds of being out of character with the main dwelling or street scene.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Consultations responses received:

Drainage Engineers

Infiltration must be investigated for surface water disposal.

Please apply standard condition ENGD2A.

Comments on Consultation responses:

Comments noted.

As an extension of a similar size could be constructed under permitted development, it is not considered that the pre-commencement surface water drainage condition can be attached.

POLICY CONTEXT

Designation applicable to site:

Outside of the built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [DEV19](#)
[GEN12](#)
[GEN2](#)
[GEN7](#)
[GEN9](#)

Extensions to existing residential buildings
Parking in New Development
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage

D DM1 Aspects of Form and Design

[Publication Version of the Local](#)

Plan (October 2014):

Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage
Systems

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1 Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5 Quality of design

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4 Parking and new development

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 taken. 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.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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).

Barnham and Eastergate have a joint made NDP within policies relevant to the development. These will be considered in the assessment of the 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 site is located outside of the built up area boundary. However, this is an established residential dwelling and the principle of householder extensions is considered to be acceptable in line with policy GEN2 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The extension is modest in size and residential in location. It would be located to the rear of the property so will have little impact on the street scene. Materials are not considered to be required to be matching for the same reason. It is considered to be acceptable in terms of design and visual amenity and is subservient to the character of the main dwelling in line with policies DEV19 and GEN7 of the Arun District Local Plan and policy ES1 of the Barnham and Eastergate NDP.

RESIDENTIAL AMENITY

The extension would be modest in size and be located next to existing side walls of Credition and Wahroongai. These side walls do not contain any facing windows which are the sole source of light to habitable rooms. As such, the development is considered to be acceptable in terms of visual intrusion and loss of light/overshadowing. The extension would offer no significant opportunity for overlooking as it is single storey. The development is considered to be acceptable in terms of impact on residential amenity in compliance with policies GEN7 and DEV19.

PARKING

There will be no reduction in parking provision on site with 3 off street spaces being retained. This is considered to meet the requirements of GEN12 and NDP plan policy GA4 for a three bedroom dwelling. It is not considered the extension would lead to a significant increase in on street parking which could cause a highways danger.

SURFACE WATER DRAINAGE

An extension of a similar size could be constructed under permitted development. As such it is not considered reasonable to impose a pre-commencement surface water drainage condition in this instance.

The application is recommended for conditional approval.

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 (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

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

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:-

OS Plan B&W
Block Plan
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Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 and DEV19 of the Arun District Local Plan.

- 3 **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.