

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

REF NO: BN/32/14/HH

LOCATION: Quince Cottage
Church Lane
Barnham

PROPOSAL: Single storey rear extension, first floor extension to front elevation, extension to entrance hall and a replacement detached garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed entrance hall extension measures approximately 3.5m in width, depth of 1.4m with a height of 4.9m.

The first floor extension measures approximately 5.5m in width, depth of 5.4m with a maximum height of 7.5.

The proposed rear single storey extension measures approximately 5m maximum in width, depth of 10.4m with a maximum height of 4.8m.

SITE AREA

Approximately 0.13 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Property is sited on a higher level than the road.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Front has hedging approximately 2m in height, rear has fencing with tree screening over 3m, west and east side boundaries hedging approximately 2m-2.5m in height.

SITE CHARACTERISTICS

Detached two storey property with single storey element on southern side. Detached garage in front garden on southern side with gravel driveway. The property has smooth rendered walls painted white, black window frames with a clay tiled roof.

CHARACTER OF LOCALITY

Semi-rural location with predominantly detached two storey properties comprising a mixture of styles and designs that are set well back from the front boundary.

RELEVANT SITE HISTORY

BN/5/49/A	Loggia	Approve 11-04-1956
BN/5/49/B	Additions	Approve 17-05-1961
BN/11/82	First floor extension to provide additional bathroom	ApproveConditionally 08-09-1982

REPRESENTATIONS

Representations received:

Barnham Parish Council

No objection to this application.

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

We request that should this application receive planning approval an informative is attached to the consent regarding connection to the public sewerage system.

Our initial investigations indicate that there are no public surface water sewers in the immediate vicinity of the site to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Comments on Consultation responses:

Southern Water comments noted

If approved, an informative will be imposed regarding connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19 GEN7 GEN2	Extensions to existing residential buildings The Form of New Development Built-up Area Boundary
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP2 Built-Up Area Boundary	
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 ES6		Contribution to local character

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).

Policies ES1, ES5 and ES6 are considered relevant to this application with regard to the Barnham and Eastergate Neighbourhood Development Plan.

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 proposed first floor extension is considered to conflict with relevant Development Plan policies in that it would not be visually integrated with the host dwelling and would 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 defined built up area boundary where the principle of development is deemed to be acceptable, subject to the proposal complying with relevant planning policies. The detached two storey property is set at an angle within the site and located approximately 20m from the front boundary which is well screened by hedging. It has previously been extended with a single storey addition on the southern side.

The application seeks to extend the front entrance with a first floor addition with a rear single storey extension. The existing detached garage is to be removed and replaced with a larger detached garage which will also comprise a car port and garden store.

The front porch with gable feature is to be extended to create a larger entrance hall. The first floor extension will be sited adjacent to the entrance hall and will have a hipped roof and this will extend forward of the front flank wall by approximately 1.2m and will be the same height as the existing roof line. The rear single storey addition will be sited on the northern side of the dwelling and will be sited approximately 1m-1.4m from the northern side boundary. It will project out from the rear flank wall by approximately 10.4m with a width of 5m.

The existing garage is sited to the front on the southern side approximately 1m from the boundary and 20m from the front boundary. The proposed new building will be used as a garage/car port and garden store and will be sited in the same position as the existing structure but will be approximately 8m in width, depth of 5.5m with a height of 4.8m. The building will be constructed of brick, oak posts and beams and finished with a clay tiled roof and the western side will be clad with timber edge boarding. Its appearance and materials to be used which resembles a three bay cart store is in keeping with the rural location.

The neighbouring property to the north Meade House is sited approximately 3m away. This property has two high level windows at first floor level on the south side of the dwelling which are ancillary bedroom windows and a conservatory on the rear. The Council as a consideration in determining planning applications have adopted a 45 degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbours's outlook or daylight. The proposed single storey extension will be sited approximately 3m from the neighbouring conservatory and in this instance the 45 degree line has been taken from the rear corner of the extension to the side of the conservatory and complies with this rule. It is not considered that the porch and front extension in view of its distance would create a loss of outlook to the occupiers.

The proposed garage will be sited approximately 1m from the southern side boundary with the neighbouring property Ravenhurst. Whilst the roof line may be visible above the boundary hedging it is not considered that this would create a loss of outlook to recommend refusal.

The single storey extension in view of its size and height is not considered to detract from the character and appearance of the host dwelling. However, the first floor front extension in view of its siting would disrupt and unbalance the symmetry provided by the front gable feature and would be poorly related and not respect the simple style of the original property.

In view of this it is recommended that the application be refused for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposed front extension by reason of its size and design would detract from the symmetrical appearance of the host dwelling which would be detrimental to the character and appearance of the area in conflict with policies GEN7, DEV19 of the Arun District Local Plan, policies DDM1, DDM4, DSP1 of the emerging Local Plan, Paragraphs 56 and 57 of the National Planning Policy Framework and policies ES1, ES5 and ES6 of the Barnham and Eastergate Neighbourhood Development Plan.
- 2 **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 identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reason for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.