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

REF NO: **BN/35/13/**

LOCATION: Clytha
Yapton Road
Barnham

PROPOSAL: Rear single storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The single storey rear extension measures approximately 4.6m in width, depth of 6m with a maximum height of 3.3m.
SITE AREA	Approximately 480 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is open in appearance with gravel, rear has hedging approximately 1.8m in height then open fields, side boundaries close boarded fencing + hedging over 2m in height.
SITE CHARACTERISTICS	Detached two storey property with single storey extension on rear west side. The property has rendered walls painted cream, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Main road comprising residential and commercial. Properties are semi-detached and detached of various styles and designs, open fields to rear.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Barnham Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water
Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required and this should not involve disposal to a public foul sewer. A formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Comments on Consultation responses:

Southern Water comments noted
If approved, an informative will be placed on any decision regarding connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
Class B Road
Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

The application seeks to construct a single storey extension on the rear of the dwelling.

The proposed extension will be sited on the eastern side of the dwelling adjacent to the dining room and this will link up with the existing kitchen extension to form a small utility room and kitchen/dining area. The proposed extension which has a hipped roof will be approximately 4.6m in width, maximum depth of 6m and a maximum height of 3.3m. To allow for additional light into the study on the east side elevation of the main dwelling two high level windows are proposed. Although the new windows are shown on the plans these can be constructed under "Permitted Development" without the need for the submission of a formal planning application. It is considered that the proposed extension is visually subservient to the host dwelling in terms of its size and height.

With regard to residential amenity the neighbouring property to the east Crediton which is a detached bungalow has a flat roof garage extension sited to the western side boundary that projects forward of the property. The main dwelling is sited approximately 2m away and there is a window on the rear elevation. The neighbouring property to the west Wahroongai which is a detached bungalow has previoulsy been extended with rear extensions that have a rear projection of approximately 6.9m. The proposed extension being set back from the western side boundary will be approximately 2.7m away. The Council as a consideration in determining planning applications have adopted a 45 degree rule and in this instance the 45 degree line has been taken from the middle point of the dining room window on Crediton and patio doors on Wahroongai. To allow for additional light into the extension a rooflight is proposoed on the eastern side elevation. The side boundaries are well screened by fencing and hedging and there are open fields to the rear. It is not considered that the extension would affect the residential amenities of neighbouring properties by way of loss of outlook or unacceptable overlooking to warrant a refusal.

The rear garden is of a substantial size so can easily accommodate an extension of this size and due to its siting will not be visible within the street scene, nor would it harm the established character and appearance of the surrounding area.

It is therefore recommended to approve the application, subject to 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 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

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: Site 1:1250, Block 1:500, Floor/Roof/Elevations Drg No 13/41/3 received on 10th December 2013.

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 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW Tel: 0330 303 0119 or www.southernwater.co.uk.

5 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.