

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

REF NO: BN/48/19/HH

LOCATION: 49 Warren Way
Barnham
PO22 0JX

PROPOSAL: Two storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a two storey extension to the side of the property.

RELEVANT SITE HISTORY

EG/16/19/HH	Two storey extension	Refused 25-04-19
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Barnham & Eastergate Parish Council
No objection
No representation received from nearby occupiers.

CONSULTATIONS

Natural England
Arboriculturist
Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environment Agency - Awaiting comments
Natural England - No comment to make on the application.

A letter was submitted with the application which the applicant received from the Environment Agency following discussions after a previous refusal. It stated should the scheme be the same proposal as previously submitted there would be no objection to the application.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk

[Barnham & Eastergate Neighbourhood Plan 2014](#) Applications for new development must meet the local drainage requirements

[POLICY ES1](#)

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
POLICY ES5

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Barnham and Eastergate have a 'made' Neighbourhood Plan with policy ES1 and ES5 of relevance to the application.

BACKGROUND

An application for a two storey extension was refused in April 2019 due to an objection from the Environment Agency and the risk of flooding due to the siting of the extension being 1.6m from the river. As such the application conflicted with policy WDM2. The proposal is the same as that previously proposed however discussions have taken place between the applicant and the EA to overcome issues regarding flood risk.

DESIGN AND VISUAL AMENITY

The proposal seeks to construct a two storey side extension and is therefore visible from the street scene. It is sited around 0.5m behind that of the principle elevation and as such does not appear unduly dominant. The dwelling is located to the rear corner of cul de sac and as such views are limited.

The materials proposed will match that of the existing dwelling and as a result the extension appears well integrated. Whilst the neighbouring properties are of a similar style and design due to the siting of the development it is not considered to adversely impact upon the spatial pattern or character of the street scene and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

With no neighbours to the north or east elevation, the extension is not considered to appear overbearing or overshadowing upon neighbouring amenity. There are 2 additional windows to the rear, however due to the siting of the windows and extension, they are not considered to provide any adverse overlooking as a result. There is a ground floor window located to the east elevation however again with no neighbouring properties, it is also not deemed to give rise to any adverse overlooking. Two additional windows to the front will overlook the street scene.

The proposal is not considered to harm neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

FLOOD RISK

The development is located 1.6m from the bank of a river (Barnham Rife). Previous objections related to the uncertainty of the bank stability and flood risk. Discussions have since taken place between the EA and the applicant and a letter was submitted with the application which stated if the proposal was to remain the same as that previously refused there would be no objection from the Environment Agency subject to conditions and informatives. It is therefore considered to comply with WDM2.

SUMMARY

The proposed development is considered to comply with the relevant development plan policies and as such is 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

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
- Location Plan
 - Block Plan - 7631/05
 - Proposed Elevations - 7631/04A
 - Proposed Floor Plan - 7631/02A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies DDM1 of the Arun Local Plan.

- 4 The development shall be carried out in accordance with the submitted flood risk assessment (Issue date 08/02/2019 by UK Flood Risk Consultants) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than existing floor levels within the property.
 - Flood resilient measures as set out in section 6.2 of the Flood Risk Assessment.
 - No sleeping accommodation shall be placed on the ground floor.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with WDM2 of the Arun Local Plan.

- 5 **INFORMATIVE:**
- The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place on or within 8 metres of a main river. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 6 **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.