

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

REF NO: EG/100/17/HH

LOCATION: 4 Wentworth Close  
Barnham  
PO22 0HS

PROPOSAL: Single storey rear extension (resubmission of EG/59/17/HH).

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| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                                       |                                                                                                                                                                                                                                                                     |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above                                                                                                                                                                                                                                                            |
|                                       | The application comprises broadly a an L shaped extension although it has a staggered arrangement and measures approximately 10.2m deep (max), 9m wide (max) and 4m high (Max) on the rearmost part and approximately 2.7m high on the remainder of the extension.. |
|                                       | The materials would match the existing property.                                                                                                                                                                                                                    |
| SITE AREA                             | N/A                                                                                                                                                                                                                                                                 |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                                                                                                 |
| TOPOGRAPHY                            | Predominantly flat                                                                                                                                                                                                                                                  |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                                                                                                      |
| BOUNDARY TREATMENT                    | The rear boundary has a timber fence approximately 1.5m high together with mature planting.                                                                                                                                                                         |
| SITE CHARACTERISTICS                  | The application comprises a single storey dwelling constructed of brick beneath a tile roof. The property is set on a spacious plot and has a garden building and single garage.                                                                                    |
| CHARACTER OF LOCALITY                 | The wider area is residential although to the north of the site there is open countryside.                                                                                                                                                                          |

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| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|             |                               |                             |
|-------------|-------------------------------|-----------------------------|
| EG/38/73    | Extension To Front Porch      | Approve<br>01-08-73         |
| PAA/207/17/ | Single storey rear extension. | Approve Pre App<br>08-12-17 |

Previous application for a single storey rear extension was refused in 2017, the current application follows a pre application submission and seeks to address the previous reasons of refusal.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Eastergate Parish Council

Eastergate Parish Council object to the application as follows;

The parish council has considered this application and reiterates its previous objections relating to over intensive and un- neighbourly proposals. The council's objections relating to surface water run off and increased foul water concerns remain and the proposals are in conflict with the Barnham and Eastergate Neighbourhood Plan. The addition of a door does not remove the reality that this is, in effect, a separate building and likely to be utilised as such.

No response to public consultation.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and addressed in the conclusions below. However, it is noted that the application is for an extension and use as a separate unit of accommodation would require planning permission and would not be authorised by any permission given for the current proposal.

## CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

### CONSULTATION RESPONSES RECEIVED:

The Council's Drainage Engineer commented as follows

Please apply standard conditions ENGD2A & ENGD6A.

Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change.

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

A culvert is believed to pass through the rear garden of the property. It is essential that its location/existence is confirmed by the applicant, so further discussion can be had. Any new building will need to be kept at least 3 metres from the edge of the culvert unless otherwise agreed.

Southern Water recommend informatives on any permission.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted and conditions and informatives imposed on any permission.

#### POLICY CONTEXT

Designation applicable to site:

Built up area

No public sewer

#### DEVELOPMENT PLAN POLICES

##### [Arun District Local Plan \(2003\):](#)

|       |                                              |
|-------|----------------------------------------------|
| GEN2  | Built-up Area Boundary                       |
| GEN7  | The Form of New Development                  |
| GEN9  | Foul and Surface Water Drainage              |
| DEV19 | Extensions to existing residential buildings |

##### [Publication Version of the Local Plan \(October 2014\):](#)

|        |                                                |
|--------|------------------------------------------------|
| D DM1  | Aspects of Form and Design Quality             |
| D DM4  | Extensions & Alterations to Existing Buildings |
| 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

#### PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | 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 and is 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.

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 taking place. 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. The examination was completed in September 2017. There is currently a six week period of consultation on modifications to the plan which is due to end in mid-February.

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. 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.

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).

### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

#### PLANNING

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 site falls within the defined built up area and an established residential area. As such is acceptable in principle subject to compliance with adopted policies relating to criteria such as residential amenity, highway safety and parking.

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government advice further indicates that new development should be well integrated with and complement the local area in terms of, for example, layout.

Further Policy DEV19 indicates planning permission will only be granted for extensions to existing residential buildings provided that

- (i) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;
- (ii) the extension is visually subservient to the main building;
- (iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (iv) in streets characterised by relatively small gaps at first floor level between any buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;
- (v) the extension does not compromise the established spatial character and pattern.

Of particular note, the policy places an emphasis on extensions being visually integrated with the existing dwelling in terms of siting, design, form, scale and materials, and being visually subservient to the main building.

Policy ES5 of the BENDP requires good design.

Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The proposed development comprises the erection of a large broadly L shaped extension although this has been redesigned from the previous application and now has a staggered layout to the rear. The application property is a relatively large enclosed corner plot and as such the proposed extension would not be readily visible from the street although glimpses may be seen from Spinney Walk. The extension will be visible from the adjoining properties No.2 Wentworth Close and 17 and 19 Spinney Walk.

With regard to the rear extension this extends into the rear garden approximately 2m off the rear boundary although due to the staggered layout part of the extension will be approximately 6m from the boundary and would be set in approximately 1.6m to 5m from the side boundary with No.2 Wentworth Close. The proposal retains a reasonable sized garden area and it is considered that such a depth and width of the current extension would not be well integrated or subservient to the original dwelling or the wider character of the area.

Due to the position of the original dwelling on a corner plot there is open countryside to the north and therefore no adjoining occupiers, To the south the proposed extension would be located close to the side boundary of No.2 Wentworth Close and No.17 Spinney Walk. The proposed extension is set in between 1.6m from the side boundary with No.2 and 5m from the side boundary with No.17 Spinney Walk. Whilst the extension would breach a 45 degree line from the nearest windows at No.2 it is considered that there would be no loss of light or overlooking to the rooms in that property due to the separation distance to the extension and the proposed height. As such the proposed development is not considered to be unduly dominant upon the property immediately to the south, No.2 Wentworth Close. Given the separation a similar conclusion is made regarding No.17 Spinney Walk.

Therefore, it is considered that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area and the amenity of the adjoining occupiers. As such it would comply with adopted policies in the Arun Local Plan 2003, NPPF or the Barnham and Eastergate Neighbourhood Plan. Accordingly, the application is recommended for approval subject to the following conditions.

## 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 sheet 1b of 3 proposed floorplans, sheet 2b of 3 location plan, block plan, proposed elevations & sheet 3b of 3 existing floorplans and roof plans, existing elevations and proposed roof plan.

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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 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.

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

- 8 INFORMATIVE: Due to changes in legislation that came in to 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.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove

House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

- 9 INFORMATIVE: Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".