

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

REF NO: EG/14/14/HH

LOCATION: 10 Warren Way
Barnham

PROPOSAL: Ground floor extension for wc.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed flat roof rear extension measures approximately 3.2m in width, depth of 2.5m with a height of 2.8m.
SITE AREA	Approximately 118 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open with hardstanding, sides and rear boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Two storey end-of terrace property with integral garage, lean-to on rear western side (to be demolished). The property has brown brickwork on lower level with white cladding on upper level to front, brickwork on rear, concrete tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising two storey terraced properties of similar style and design.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Eastergate Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

The exact position of foul and surface water sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

No development or new tree planting should be located within 3m either side of the centreline of the foul and surface water sewers. No new soakaways should be located within 5m of public sewers. All existing infrastructure should be protected during the course of construction works.

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.

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".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions. A formal application for connection to the public sewerage system is required in order to service this development.

Comments on Consultation responses:

Southern Water comments noted

If approved, an informative will be added to any consent in relation to the connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Public Sewer On Site
Archeology Interest
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
SD SP2 Built -Up Area Boundary

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 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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

? the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

? the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

? the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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 replace the existing garden room with a flat roof extension.

The garden room is sited on the western side of the dwelling and the proposed extension will be sited on the same footprint. It will be accessed from the living area and will create a wc with lobby area. It will be constructed in brick to match the host dwelling and will measure approximately 3.2m in width, depth of 2.5m with a height of 2.8m. It should be noted that an extension of this size and height could be constructed under "Permitted Development" without the need for the submission of a full planning application.

To the west of the site is a walkway that serves rear access to properties Nos 2-16 and the proposed extension will be sited approximately 1.5m away from the neighbouring boundary of No 8 and 2.5m away from No 12. With its single storey height and boundary fencing of approximately 1.8m it is not considered that this would create a loss of outlook to the occupiers of Nos 8 and 12.

The proposal being to the rear will not be visible within the street scene, nor would it harm the established character and appearance of the surrounding area or the residential amenities of neighbouring properties.

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 positive impact has been identified upon those people with the following protected characteristics (disability).

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/Elevations Drg No JHB/14/327/46 dt 13.3.14 received on 27th March 2014.

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 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 to service this development. The applicant is advised to discuss the matter further with 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.