

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

**REF NO:** EG/14/15/HH

**LOCATION:** 33 Elm Grove  
Barnham

**PROPOSAL:** Two storey side extension

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

The proposed two storey side extension measures approximately 3.6m in width, maximum depth of 8.5m with a maximum height of 8.2m.

**SITE AREA**

Approximately 404 square metres.

**RESIDENTIAL DEVELOPMENT DENSITY (NET)** N/A

**TOPOGRAPHY**

Predominantly flat

**TREES**

None affected by the proposed development.

**BOUNDARY TREATMENT**

Front is partly open with hedging approximately 1.5m in height, rear and side boundaries close boarded fencing approximately 1.8m in height.

**SITE CHARACTERISTICS**

Semi-detached two storey property with light red brickwork, tiled roof with white window frames.

**CHARACTER OF LOCALITY**

Residential comprising predominantly detached properties of various styles and designs.

**RELEVANT SITE HISTORY**

None

**REPRESENTATIONS**

**Representations received:**

Eastergate Parish Council

Objection

The Council is concerned as to the design of the proposals and the likelihood of additional water discharge. The District Council is referred to policies H4 and H7 of the Barnham and Eastergate Neighbourhood Plan and is asked to ensure that the proposals comply with these policies.

**Comments on Representations received:**

Parish Council comments noted

The proposed extension is considered to be acceptable with regard to its design and siting. Policies H4 and H7 of the Barnham and Eastergate Neighbourhood Plan refer to integration of new housing into surrounds and drainage for new housing. It is not considered that these policies are relevant in this instance. Whilst it is noted that the proposal will create an additional bathroom subject to the Engineers comments regarding surface water drainage and soakaways it would not be of an unacceptable level to recommend refusal and, if approved, can be controlled by a condition relating to surface water drainage and soakaways.

#### **CONSULTATIONS**

Southern Water Planning  
Engineering Services Manager  
Engineers (Fluvial Flooding)

##### **Consultations responses received:**

Southern Water  
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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.

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.

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

Engineers

Comments in respect of surface water drainage.

Surface water should be discharged to soakaways or similar for all new roof area. Please apply standard condition ENGD2A.

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.

Groundwater readings from a nearby monitoring point suggest that very shallow soakage is required.

**Comments on Consultation responses:**

Southern Water comments noted

If approved, an informative will be placed on any approval regarding connection to the public sewerage system.

Engineers comments noted

If approved, a condition will be imposed regarding surface water drainage.

**POLICY CONTEXT**

Designation applicable to site:

Built Up Area Boundary  
Area of Special Character  
No Public Sewer

**DEVELOPMENT PLAN POLICIES**

|                                                                                                |                                                                                                                        |                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Arun District Local Plan 2003:</a>                                                 | <a href="#">AREA1</a><br><a href="#">GEN2</a><br><a href="#">GEN7</a><br><a href="#">GEN9</a><br><a href="#">DEV19</a> | Areas of Special Character<br>Built-up Area Boundary<br>The Form of New Development<br>Foul and Surface Water Drainage<br>Extensions to existing residential buildings                        |
| <a href="#">Publication Version of the Local Plan (October 2014):</a>                          |                                                                                                                        | D DM1 Aspects of Form and Design<br>Quality<br>D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)<br>D SP1 Design<br>HER DM4 Areas of Special Character |
| <a href="#">Barnham &amp; Eastergate Neighbourhood Plan 2014</a><br><a href="#">POLICY ES5</a> |                                                                                                                        | Quality of design                                                                                                                                                                             |

**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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering, Arundel; Barnham & Eastergate; Bersted, East Preston, Felpham, Ferring, Kington, Littlehampton, Rustington and Yapton.

In this instance it is considered that policy ES5 applies in the Barnham & 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 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

### PRINCIPLE

The application site is located within the built up area boundary where the principle of development is deemed to be acceptable, subject to it complying with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan policies GEN7, DEV19 and AREA 1 which ensures that development makes a positive contribution to the special character of the area.

### CHARACTER AND APPEARANCE

The properties within the immediate vicinity are predominantly detached of individual designs and are set back from the road with varies boundary treatments. The application seeks to construct a two storey extension on the south side of the semi-detached property which will create extended living accommodation on the ground floor with bedroom, study and bathroom above.

### DESIGN AND SCALE

The property is set back from the front boundary by approximately 8m and the proposed extension will be approximately 3.5m in width and will project along the side elevation in line with the rear flank wall of the dwelling. The property has a front bay window with tiled canopy above on the northern side and a new bay window is to be created on the opposite side of the entrance and the tiled canopy will extend along the front elevation. The roof height will be no higher than the existing ridge height and will mimic the roof line of the existing. The adjacent property No 34 has been extended on the side with a two storey extension so it is not considered that the extension would unbalance the existing symmetry of the pair of houses.

### RESIDENTIAL AMENITY

The existing side elevation has no windows at first floor level. The neighbouring detached bungalow to the east No 32 is sited approximately 8m away from the proposed extension. This property has been extended to the front and there is a detached garage sited to the front in the north west corner. On the side elevation of the bungalow there are five windows, two serve the lounge, kitchen, bedroom, wc and the one nearest the extension serves a bedroom. The proposal has a window on the side elevation at first floor level which serves a study. Due to the position of this window it is considered that there may be the potential for overlooking onto the neighbouring bedroom window. However, if approved, a condition will be imposed that this window be obscure glazed and only the top fan light be capable of being opened.

### SUMMARY

The proposal is considered to be visually subservient to the host dwelling and would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the neighbouring dwellings. In the officer's view it would have a neutral impact on the Area of Special Character.

It is therefore recommended for approval, 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:

Location 1:1250 & Block 1:500 Drg No PG NO:07 Draft 3a dt 25.2.15.  
Proposed Ground Floor Drg No PG NO:02 Draft 2a dt 26.1.15.  
Proposed First Floor Drg No PG NO:04 Draft 2a dt 26.1.15.  
Proposed Elevations PG NO: 06 Draft 2a dt 26.1.15.

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 bathroom window at first floor level on the rear elevation of the extension shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 The study window at first floor level on the side elevation of the extension hereby approved shall be:

- (i) at all times be and remain glazed entirely with obscure glass. and
- (ii) consist of at least two lights divided horizontally with only the top fan light be capable

of being opened and maintained in that condition at all times.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 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.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 INFORMATIVE: A formal application 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).

- 7 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.