

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

REF NO: EG/15/19/HH

LOCATION: 5 Critchmere Road
Eastergate
PO20 3XA

PROPOSAL: Retention of conservatory & flue.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks the retention of a conservatory and flue to the rear of the property.

RELEVANT SITE HISTORY

EG/4/00/	Two storey extension	ApproveConditionally 18-02-00
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Barnham and Eastergate council provided no response.
1 letter of objection from a nearby occupier.
- The flue is an unacceptable height and position
- Concerns over pollution

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Drainage - Due to the scale and location, there are no conditions to request. Surface water drainage should be designed and constructed in accordance with building regulations.

Southern Water - No objections to the above proposals.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary

DEVELOPMENT PLAN POLICES

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

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. As stated in SDSP2 the key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Barnham and Eastergate have a 'made' Neighbourhood Plan with policy ES5 of relevance to the application. The proposal complies with this policy.

It is noted the development has already been constructed.

DESIGN AND VISUAL AMENITY

The proposal is for a conservatory and flue. The development is situated to the rear of the property however some views are available from the side of the dwelling at Highview Road however this is limited.

The conservatory is of modest size and as a result appears well integrated with the host dwelling. The flue is black which is considered acceptable in such that it does not appear out of keeping with the area.

As a result of the siting and design, the proposed development is not considered to adversely impact the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The conservatory is constructed to a depth of 3.6m and a height of 3.10m. It is situated close to the boundary to the north, however the conservatory is only around 0.6m larger in depth than that which could be constructed without permission as a result it is not considered to give rise to any adverse overbearing or overshadowing upon neighbouring amenity.

The flue extends from the conservatory and runs along the rear wall of the property with a height approximately 1.6m above the eaves and 1.65m below that of the ridge height of the host dwelling. Whilst this is positioned close to the neighbouring property and is quite high the size would ordinarily fall under permitted development. In this case as it is connected to the conservatory which requires

permission, the flue also requires formal consent.

At its current siting and height, it cannot be argued that any impacts upon residential amenity are significant in which a refusal is justified.

The positioning of a flue normally needs consent under other legislation to ensure it is safely positioned.

The proposal is not deemed to give rise to any adverse impacts upon residential amenity and accord with DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development 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 approved shall be carried out in accordance with the following approved plans
 - Block Plan
 - Location Plan
 - Ground Floor Plan - 02

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.

- 2 **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.