

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

REF NO: EG/24/15/HH

LOCATION: Willow Cottage
Church Lane
Eastergate

PROPOSAL: Rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The extension is to the front of the dwelling but the private garden is also to the front. It will be sited adjacent to an existing extension. It will be 2.5m by 3m and to a height of 2.5m (flat roof).

SITE AREA

N/A.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A.

TOPOGRAPHY

Predominantly flat.

TREES

None of affected by the proposed development.

BOUNDARY TREATMENT

2m high fence/hedge across the front of the curtilage.

SITE CHARACTERISTICS

Existing two storey semi-detached dwelling in brick at ground floor, hanging tiles at first floor and a tiled roof. There is an existing pitched slate roof sun lounge extension. The existing garden is part paved and part grassed.

CHARACTER OF LOCALITY

Semi rural/edge of a rural settlement. There is another dwelling to the south which marks the boundary with the countryside.

RELEVANT SITE HISTORY

EG/124/87	New bedroom over flat roofed area	ApproveConditionally 01-02-1988
EG/12/91	Victorian Style Conservatory	ApproveConditionally 29-04-1991
EG/31/95	PVCu conservatory play room	ApproveConditionally 27-09-1995

EG/18/15/CLP	Application for certificate of lawfulness for a proposed use - extend existing conservatory by 2.5m x 3m	Withdrawn 11-03-2015
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None.

REPRESENTATIONS

Representations received:

Eastergate Parish Council - no response received.

Comments on Representations received:

N/A.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water - No objection. Raise the possibility off there being an old sewer crossing the site.

Arun DC Engineers - Infiltration must be considered for surface water from all new roof area. The standard FRA form has not been completed by the applicant. Please apply standard conditions ENGD2A.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Within Lidsey Catchment Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7 GEN9 DEV19	Built-up Area Boundary The Form of New Development Foul and Surface Water Drainage Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM3 External Space Standards D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) SD SP2 Built-Up Area Boundary
Barnham & Eastergate Neighbourhood Plan 2014		Quality of design
POLICY ES5		
Barnham & Eastergate Neighbourhood Plan 2014		Contribution to local character
POLICY ES6		

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; Kingston; Littlehampton; Rustington; and Yapton.

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 construct a single storey extension to the front of the property which will be adjacent to an existing extension but will be subservient in height and size to this.

Although the extension is to the front, it is not considered to have any real impact on the streetscene as it will largely be hidden behind the boundary treatment. Furthermore, the extension is of a subservient height/scale as both the existing dwelling and the existing extension. Although front extensions are usually unacceptable, this case is different as the property does not have a rear and the front is therefore effectively the rear garden. In any case, the single storey nature of the extension limits its impact. There are also no neighbour impacts to take account of.

The site is located within the Lidsey Drainage Area and as such it is important to ensure that the proposal does not materially affect an existing situation. Drainage Engineers have been consulted and raise no objections subject to the imposition of a condition.

No neighbour objections have been raised and it is recommended to approve the application, subject to the following 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 it has been determined that its approval would result in a neutral impact 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:

Streetwise Site Location Plan (1:1250);
Buy A Plan Block Plan (1:200);
Plan at 1:50;
Existing & Proposed Floor Plans (1:100) Feb 2015;
Existing North & West Elevations (1:100) Feb 2015; and
Proposed North & West Elevations (1:100) Feb 2015.

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 (bricks) 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.

- 5 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.

- 6 Should any sewer be found during construction works then no further development shall take place until the sewer has been investigated to ascertain its condition, the number of properties it serves and potential means of access. The applicant is advised to discuss this further with Southern Water. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.