

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

REF NO: EG/43/15/HH

LOCATION: Langham Legh
Barnham Road
Eastergate

PROPOSAL: Two storey extension, single storey extension & new porch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above First floor pitched roof extension to east with small en-suite window facing the side with ground floor extension. Pitched roof porch to front. Flat roof single storey extension to rear.
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	Mostly close boarded fencing and some trees
SITE CHARACTERISTICS	Detached two storey brick and tiled dwelling with large rear garden.
CHARACTER OF LOCALITY	Mixed character residential area on main road.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Eastergate Parish Council

No objection but attention drawn to policy ES1 of the BENP relating to surface water drainage - the Council considers soakaways inefficient.

Comments on Representations received:

Comments noted. The policy and the comments of our engineers will be taken into account.

CONSULTATIONS

Engineers (Fluvial Flooding)
Engineering Services Manager
Southern Water Planning

Consultations responses received:

Southern Water:-

If approval given informative to be added.

Engineers:-

Standard condition ENGD2A should be applied.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built up area boundary

DEVELOPMENT PLAN POLICIES

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

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

The Form of New Development

D DM1 Aspects of Form and Design Quality

D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

SD SP2 Built-Up Area Boundary

W DM3 Sustainable Urban Drainage Systems

[Barnham & Eastergate Neighbourhood Plan 2014](#) Applications for new development must meet the local drainage requirements

[Barnham & Eastergate Neighbourhood Plan 2014](#) Quality of design

[Barnham & Eastergate Neighbourhood Plan 2014](#) Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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.

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; Bognor Regis and Yapton.

The policies of the Barnham and Eastergate Neighbourhood Plan will be considered later in the report.

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 proposed porch is modest and would not have a harmful impact on the streetscene or neighbouring amenity.

The flat roof ground floor rear extension is set several metres away from the neighbouring property (Moorings) and due to its limited height and relative position it would not have an adverse impact on the residential amenities of that property which is currently undergoing renovation for a substantial extension.

The two storey extension to the east (adjacent to Reapers Cottage) would have the most impact on the street scene. However it has been designed to match the existing dwelling and would create a balanced appearance.

The extension would bring the first floor element closer to Reapers Cottage and this would extend further to the rear creating some additional overshadowing in the evening. Reapers Cottage is a single storey bungalow with a number of habitable windows on its west elevation. The pitched roof nature of the extension and the separation distance between the extension and the neighbour would ensure that no harm by way of overshadowing or overbearing would take place. There is one en-suite window looking towards Reapers Cottage. As this is en-suite a condition requiring obscure glazing could be proposed.

The two storey extension would have an additional bedroom window facing south. However this would cause no adverse overlooking to Reapers Cottage or to the property to the south.

There are well known drainage issues in the area. Due to the size of the proposed works it is reasonable to add the proposed condition suggested by engineers.

The BENP policies relevant to the application discuss design and drainage. Both these issues have been discussed above.

It is therefore recommended that the proposed development should be approved subject to conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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

This proposal would have Neutral impacts 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:- 15/395/01

Reason: For the avoidance of doubt.

- 3 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.

- 4 The window on the east elevation of the extension shall at all times be glazed with obscured glass. No additional windows shall be constructed in this elevation without planning permission.

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

- 5 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 dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 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. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.