

Recommendation Report for Planning Permission**REF NO:** EG/44/14/PL**LOCATION:** 37 Stempwood Way
Barnham**PROPOSAL:** Single storey front extension and two storey side extension; change of use from open land to garden with erection of fencing.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed two storey extension measures approximately 4m in width, depth of 8.3m and a maximum height of 7.3m. The re-positioning of the close boarded fencing to a height of 1.8m.
SITE AREA	Approximately 345 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Two storey detached dwelling with integral garage and front porch. The property has reddish/brown brickwork, red tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential estate which is open in character. Mixture of terraced, detached and semi-detached two storey properties of various styles and designs.

RELEVANT SITE HISTORY

EG/16/88	New porch and pitched roof over garage and change of tile hanging to front elevation	ApproveConditionally 21-03-1988
PAA/67/14/	Two storey side extension	Approve Pre App 30-05-2014

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection

The Parish Council objects on the basis that this application is overdevelopment of the site and over intensive use of the land. Should the Council be minded to approve the application, then there should be a condition that the property be used as one dwelling only.

1 Letter of Objection

My brother owns the property and I have lived in the property for 14 years with my son and there is no need for an extension.

The building of the extension would be stressful and would destroy the privacy currently enjoyed.

Comments on Representations received:

Parish Council Objection comments noted

Objection comments noted

Whilst the personal circumstances of the occupier are noted the inconvenience or other problems caused by building works is not a material consideration.

CONSULTATIONS

Southern Water Planning

Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water

It appears that the developer is intending to build close/over to a public sewer which is crossing the site. Building over a public sewer is not normally permitted by Southern Water. However, under certain circumstances building over a sewer may be allowed. The conditions associated with the build over/close to a sewer are contained in Southern Water Guidance Notes which are available at www.southernwater.co.uk. A formal application to build close to the sewer will be required to be submitted by the application.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning application, e.g. The developer must agree with Southern Water prior to commencement of the development, the measures to be undertaken to protect the public 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.

Engineers comments in respect to surface water drainage:

The applicant states that surface water will be discharged to soakaway.

Please apply standard conditions 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.

Comments on Consultation responses:

Southern Water comments noted

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

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Public Sewer On Site
PDR Open Plan Condition

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Quality
	D SP1 Design
	SD SP2 Built -Up Area Boundary
	D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
	H SP2 Affordable Housing

Barnham & Eastergate Neighbourhood Plan 2014	Quality of design
POLICY ES5	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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 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: Arundel, Barnham & Eastergate and Felpham.

In this instance it is considered that Policy ES5 applies with regard to the Barnham & Eastergate Neighbourhood 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 conflict with relevant Development Plan policies in that it would create a separate unit of accommodation which would 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 PROPOSAL

The site lies within the built up area boundary and is within an established residential area. The dwelling and surrounding properties is the subject of an open plan condition dating back to the 1970's when the residential properties were constructed. The application seeks to construct a single storey and two storey extension on the southern side of the property which will encroach onto the grass area to the side.

PRINCIPLE

The site is located within the built up area boundary where the principle of development is acceptable subject to accordance with relevant planning policies. In this instance the main criteria against which the application will be assessed is contained within Arun District Local Plan policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND SCALE

The proposed two storey extension will have a separate entrance that will be located on the front northern side and will create living/kitchen area on the ground floor with two bedrooms and a wet room at first floor level. The front elevation has a pitched roof garage and porch extension and the single storey element will be set in line with the porch extension. The two storey element will be no higher than the existing ridge height and will have a width of 4m, depth of 8.3m and this will be set back from the rear flank wall of the host dwelling by approximately 0.4m. To provide for additional light into the extension the proposal has windows on the side elevation facing the highway. The three windows on the upper level serve bedrooms and a high level window a wet room and the two windows on the lower level living/kitchen accommodation.

The existing fence is set back from the highway by approximately 4m-4.5m and the proposed extension will be sited approximately 1.5m-2.5m from the highway. The replacement fencing to a height of 1.8m will be repositioned to the rear of the extension and will extend along the southern side boundary.

RESIDENTIAL AMENITY

The neighbouring property to the rear 24 Farnhurst Road is sited approximately 14m away. The extension has a bedroom window at first floor level on the rear and it is not considered that the window would create unacceptable overlooking than currently exists from the bedroom windows. The properties to the south and east are sited approximately 23m-25m away so it is not considered that the windows would create unacceptable overlooking or loss of outlook.

SUMMARY

The layout and design with the incorporation of a new entrance door would create a separate unit of accommodation which has not been appropriately applied for and a legal agreement has not been secured to provide financial contribution towards affordable housing provision.

In view of this the application is to be refused for the following reason.

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

REFUSE

- 1 Based on the information submitted the layout and design of the proposal incorporating a separate entrance is considered tantamount to the creation of a new dwelling. The site by virtue of its size and shape is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal is therefore contrary to policies GEN7 of the Arun District Local Plan and DDM1 and DSP1 of the Emerging Local Plan and the National Planning Policy Framework.
- 2 Notwithstanding the fact that an indicative internal door is shown the proposal is considered to form a new dwelling and fails to make a contribution towards affordable housing provision and is therefore in conflict with Emerging Local Plan Policy HSP2 and the National Planning Policy Framework.
- 3 **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 identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.