

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EG/53/17/HH**LOCATION:** 41 Downview Road
Barnham**PROPOSAL:** Minor revision to right elevation bifold doors to previously approved application (EG/16/14/HH) for double storey rear extension, replace existing flat roofs with pitched, front porch, garage extension & part conversion to studio.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 0.13 hectares.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is partly open with dwarf brick wall/fencing approximately 1.5m in height, west side boundary has close boarded fencing/hedging approximately 2.5m in height, east side boundary has shrubs/tree screening, south side boundary has close boarded fencing 1.8m in height.
SITE CHARACTERISTICS	Detached two storey dwelling with detached garage to side parking to front and garden to rear.
CHARACTER OF LOCALITY	Residential road comprising detached two storey, bungalows and chalet style properties which are set back from the front boundary with grass verge to front.

RELEVANT SITE HISTORY

EG/16/14/HH	Double storey rear extension, replace existing flat roofs with pitched, front porch, garage extension and part conversion to studio.	ApproveConditionally 02-07-2014
EG/39/16/NMA	Application for a non-material amendment following the grant of EG/16/14/HH relating to amending the existing and proposed roof tiles	Approve 06-06-2016

Planning permission for development originally approved in 2014 and NMA granted approval in 2016.

REPRESENTATIONS**Representations received:**

None received.

Comments on Representations received:

N/A.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

Southern water

Please apply standard informatives.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
 GEN2
 GEN7

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

Extensions to existing residential buildings
Built-up Area Boundary
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)
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
Quality of design

[Barnham & Eastergate Neighbourhood Plan 2014](#) [POLICY ES5](#)
[Barnham & Eastergate Neighbourhood Plan 2014](#) [POLICY ES6](#)
[Barnham & Eastergate Neighbourhood Plan 2014](#) [POLICY GA4](#)

Contribution to local character

Parking and new development

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.

A new local plan is in preparation may be a material consideration when determining Planning

Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The proposal is considered to comply with the relevant policies of the Barnham and Eastergate NDP.

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 proposed scheme was previously considered under EG/16/14/HH and approved conditionally. Now constructed (not yet completed) this application seeks to amend the right elevation bifold doors, replace existing flat roofs with pitched, front porch, garage extension & part conversion to studio. It is considered that these minor alterations are acceptable in line with saved policies and NDP policies.

As such, this amendment is recommended for conditional approval.

HUMAN RIGHTS ACT

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 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:

SITE PLANS DRAFT 1 Rev A,B,C
PROPOSED PLANS DRAFT 1 Rev A,B
PROPOSED ELEVATIONS DRAFT 1 Rev A,B
PROPOSED GARAGE DRAFT 1 Rev A,B

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 and roof of the extension and garage extension hereby permitted shall match in colour and texture those of the existing buildings.

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

- 4 The en-suite window at first floor level on the west side elevation of the extension hereby permitted shall at all times be glazed with obscured glass and only the top fan light be capable of being opened.

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 Studio hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 41 Downview Road, Barnham as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 6 INFORMATIVE: INFORMATIVE: A formal application for connection 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.

- 7 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 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.