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

REF NO: **EG/59/17/HH**

LOCATION: 4 Wentworth Close
Barnham

PROPOSAL: Single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. However, analysis of the plans shows the extension to be more of an annex type development comprising a lounge, kitchen, bathroom and bedroom, albeit there is no link or access to the main house. The application comprises a large L shaped extension and measures approximately 11.5m deep (max), 9m wide (max) and 4.1m high (Max) on the rearmost part and approximately 3.8m high on the remainder of the extension.. The materials would match the existing property
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	The rear boundary has a timber fence approximately 1.5m high together with mature planting.
SITE CHARACTERISTICS	The application comprises a single storey dwelling constructed of brick beneath a tile roof. The property is set on a spacious plot and has a garden building and single garage.
CHARACTER OF LOCALITY	The wider area is residential although to the north of the site there is open countryside.

RELEVANT SITE HISTORY

EG/38/73	Extension to front porch	Approve

01-08-1973

There is no relevant planning history.

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Eastergate Parish Council object to the proposal as follows;
The Council objects to the proposal as the extension is seen as an individual and separate dwelling. The proposal is an over-intensive use of the land and will increase the run off of surface water and increase foul waste contrary to the policies contained in the Barnham and Eastergate Neighbourhood Plan.

No response to public consultation

Comments on Representations received:

Noted and are addressed in the conclusions to this report.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

The Council's Drainage Engineers recommend conditions.

Southern Water recommend an informative to any permission.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Built up area
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP2 Built-Up Area Boundary
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5		Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6		Contribution to local character

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.

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).

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and of the adjoining properties, and it 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 site falls within the defined built up area and an established residential area. As such is acceptable in principle subject to compliance with adopted policies relating to criteria such as residential amenity, highway safety and parking. It is also noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of, for example, layout.

Further Policy DEV19 indicates planning permission will only be granted for extensions to existing residential buildings provided that

(i) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;
(ii) the extension is visually subservient to the main building;
(iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
(iv) in streets characterised by relatively small gaps at first floor level between any buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;
(v) the extension does not compromise the established spatial character and pattern.

Of particular note, the policy places an emphasis on extensions being visually integrated with the existing dwelling in terms of siting, design, form, scale and materials, and being visually subservient to the main building.

Planning Policies and Central Government advice support the efficient and effective use of land. Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The proposed development comprises the erection of a large L shaped extension. The application property is a relatively large enclosed corner plot and as such the proposed extension would not be readily visible from the street although glimpses may be seen from Spinney Walk. In addition the extension will be readily visible form the adjoining properties No.2 Wentworth Close and 17 and 19 Spinney Walk.

With regard to the rear extension this extends almost the full depth of the garden approximately 1m off the rear boundary and would be set in approximately 2.5m from the side boundary with No.2 Wentworth Close boundary. No evidence has been provided to suggest that there are comparable extensions of similar length in the immediate area. Furthermore, the extension would cover approximately 75% of the width of the existing rear elevation. Whilst the proposal retains a reasonable sized garden area it is considered that such a depth and width of the extension would not be well integrated or subservient to the original dwelling. In addition, on a such a plot it is considered that the proposal would be out of character with the established pattern of development in the area.

Due to the position of the original dwelling on a corner plot there is open countryside to the north and therefore no adjoining occupiers, To the south the proposed extension would be located close to the side boundary of No.2 Wentworth Close and No. 17 Spinney Walk. The proposed extension is set in 2.5m from the side boundary. Although the extension would be set in 2.5m from the rear boundary of No.17 Spinney walk it is only set in 2m the the side boundary with No.2 Wentworth Close. Whilst the extension would breach a 45 degree line form the nearest windows at No.2 it is considered that there would be no loss of light or overlooking to the rooms in that property. However, it is considered that the proposed extension due to its length will appear as unduly dominant and create an unsatisfactory sense of enclosure to the garden area of No.2 Wentworth Close. As such the proposed development is considered to be unduly dominant upon the property immediately to the south, No.2 Wentworth Close, with an overbearing impact and creating an unacceptable sense of enclosure on the rear garden.

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Therefore, it is considered that the proposed development would have an unacceptable harmful effect on the character and appearance of the area and the amenity of the adjoining occupiers. As such it would not comply with adopted policies in the Arun Local Plan 2003, NPPF or the Barnham and Eastergate Neighbourhood Plan. Accordingly, the application is recommended for refusal for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 It is considered that due to its size and footprint the proposed development would be unduly dominant upon and fail to be subordinate to the host property. The proposed large rear extension would extend to almost the full depth of the garden and is therefore, harmful to the character and appearance of the host property and the wider area. As such the proposal is contrary to policies GEN7 and DEV19 of the Arun Local Plan 2003, policies ES5 and ES6 in the Barnham and Eastergate Neighbourhood Plan and the National Planning Policy Framework.

2 Given the depth and height of the rear extension it is considered that the proposed development will be unduly dominant upon and create an unacceptable sense of enclosure to the occupiers of the property to the south, No.2 Wentworth Close. Therefore, the proposal would constitute an unneighbourly form of development contrary to policies GEN7 and DEV19 of the Arun Local Plan 2003 and the National Planning Policy Framework.

3 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.