

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EG/5/14/**LOCATION:** 49 Elm Grove
Barnham**PROPOSAL:** Ground floor extension and loft rooms**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Rear extension with side dormer to create extended kitchen/dining area on the ground floor with first floor bedroom accommodation. Conversion of loft with rear dormer to create additional bedroom with en-suite facilities.
SITE AREA	Approximately 0.14 hectare.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has hedge approximately 1m in height, east side boundary has wall + close boarded fencing approximately 1.8-2m in height, west side boundary has hedging approximately 2.5m in height.
SITE CHARACTERISTICS	Detached bungalow with front gable and detached garage on east side boundary. The property has been extended on the western side with a rear porch. The dwelling has reddish/brown brickwork with a red tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential comprising detached bungalows and two storey of various styles and designs.

RELEVANT SITE HISTORY

EG/9/54	Garage	ApproveConditionally 18-08-1954
EG/15/75	Demolition of existing outbuilding and building of new extension to form new kitchen	Approve 02-04-1975
EG/49/75	Demolition of existing outbuilding and building extension to form new kitchen	ApproveConditionally 30-06-1976

EG/102/85

Extension to bungalow and erection of a garage and carport

ApproveConditionally
10-03-1986

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection

The Council objects on the grounds that the proposed un-neighbourly in regard to adjoining property where the rear of the property would be overlooked and the proposed extension would unreasonably interfere with the amenity and views from the adjacent property. The Council considers that the increased water run off and foul water increase will place a further burden on the existing system and is contrary to policy ES1 of the Barnham and Eastergate Neighbourhood Development Submission Plan.

2nd Consultation from Parish Council

The Council has considered the amended plans and found that they affected the basis of their earlier objections. The Council has resolved to make no comment in regard to the amended application.

2 Letters of Objection (from same address)

The proposed two storey extension is close to our boundary and will be overbearing, causing overshadowing to our main reception rooms and bedrooms. The window at first floor level on the rear of the extension will cause overlooking to our garden. Extension is not considered to be subservient and does not relate sympathetically to the building in siting, massing, design, form, scale and materials. The substitute plans which instead of a pitched roof, a box shape taking a point near the apex of the roof and extending to near the outer walls of the existing building. Over the ground floor extension and upper storey extension therefore giving room for a staircase. A Sussex Barn End would lose the applicant some space in the proposed upper floor master bedroom and necessitate a lancet window on our gardens. The amendments are welcome and the window is placed higher and smaller. The other objections as expressed in my previous letter remain for the careful consideration.

Comments on Representations received:

Parish Council and Objection comments noted.

The application is to consider the substitute plans which have amended the roof design and the first floor window has been reduced in size to a porthole window. Whilst it is noted that the extension will be visible over the boundary hedging to the neighbouring property to the west No 51 with a distance of approximately 10m it is not considered that this would be of an overbearing nature or create unacceptable overshadowing and overlooking to recommend refusal. The proposal complies with current Local Plan policies and the emerging Local Plan policies. The method of run off and foul water disposal will be the subject of Building Regulations approval.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water Planning

Our initial investigations indicate that there are no public surface water sewers in the immediate vicinity of the site to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul 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.

We request that should this application receive planning approval an informative is attached to the consent regarding connection to the public sewerage system.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

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 - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	SD SP2 Built -Up Area Boundary
	D DM1 Aspects of Form and Quality
	D DM4 Extensions & Alterations to Existing Buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and

not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

? the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

? the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

? the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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

PRINCIPLE

The site is located within the built up area boundary where the principle of development is

acceptable subject to relevant development control criteria being met. The application seeks to create additional accommodation within the roof space of the bungalow with a two storey rear extension and dormers.

CHARACTER AND APPEARANCE

The proposed two storey extension will be sited on the western side with a pitched roof and will be no higher than the existing ridge height. It will have a width of 6.7m with a rear projection of 3m and will create extended dining/kitchen area on the ground floor and bedroom/en-suite accommodation within the roof space. To create additional floor area within the existing roof space a rear dormer is proposed and a dormer on the eastern side. The dormer has three windows, one serves a bedroom and the other two serve bathroom/wc's and, if approved, a condition will be imposed that the windows serving bathroom/wc be obscure glazed. The dormer on the eastern side of the two storey extension serves a bedroom and there is a small porthole window on the rear elevation that serves the bedroom. It should be noted that the rear dormer window of a similar size and height could be constructed under "Permitted Development" without the need for the submission of a formal planning application.

RESIDENTIAL AMENITY

The neighbouring property to the east No 51 is sited approximately 25m from the proposal. There is a bedroom window on the east side of the extension and whilst it is noted that this window and the bedroom window on the rear dormer may create some overlooking to the rear garden of No 51 is not considered to be of an unacceptable level to recommend refusal. The neighbouring two storey dwelling to the west No 48 is sited approximately 11m away and this property has six windows on the east side elevation, three at first floor level which serve the loft, landing and a bedroom and three at ground floor level. There is also a conservatory on the rear which is sited on the eastern side of the dwelling. The proposed extension has a small porthole window on the rear at first floor level but there are no windows on the west side elevation facing this property. The western side boundary comprises hedging of approximately 2.5m in height and whilst it is noted that the extension will be visible when viewed from the neighbouring windows of No 48 with adequate distance and the absence of windows on the west side elevation it is not considered to be of an overbearing nature or create a loss of outlook. The small porthole window on the rear elevation is of a height that will not create any unacceptable overlooking to the rear garden of No 48 and the rear dormer which comprises three windows being sited behind the extension will not be readily visible to the occupiers of No 48.

SUMMARY

The site is of a size that can easily accommodate an extension of this size. In view of its height it will not be visible from the front of the site so would not have an adverse impact upon the character and appearance of the street scene or have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended to approve the application, subject to 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 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

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: Location 1:1250/ Block 1:500 Drg No 1112-013 Rev A dt 18.12.13, Proposed Ground Floor Drg No 1112-010 dt 18.12.13 received on 14th February 2014, Proposed First Floor Drg No 1112-011 Rev B received on 24.3.14, Proposed First Floor Drg No 1112-011 Rev B received on 24th March 2014.

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 dormers 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.

- 5 The bathroom and shower room windows on the rear dormer of the extension shall at all times be glazed with obscured glass.

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

- 6 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.