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

REF NO: **EG/61/17/HH**

LOCATION: 10 Downview Road
Barnham

PROPOSAL: Ground floor infill extension, removal of existing first floor to replace with first floor extension that covers new footprint of building including extension but excluding garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The development would result in the creation of a dwelling with the appearance of a two storey detached dwelling with pitched to flat roof with attached single storey garage to side with a shallow lean-to roof and single storey porch to front. The house would be clad in fibre cement boarding to the first floor, render to the ground floor with fibre cement slates to the roof of the dwelling an porch roof. Colours and finished of materials and windows has not been specified. Off street parking for 4 cars to front would be retained but the garage would not have sufficent dimensions in line with highways requirements to house a car.
SITE AREA	0.13 hectares.
TOPOGRAPHY	Predominantly flat
TREES	Mature TPO trees to the verge at front but none are affected by the proposed development. The ground floor nearest to these trees is not being rebuilt and the porch extension is not considered to be within the RPA of these tree and is a lightweight canopy style porch so is unlikely to result in a significant impact on the trees.
BOUNDARY TREATMENT	1.8m fence partially to sides and hedges from 2-3m high. Sparse planting and tree to front approx. 1.8m in height.
SITE CHARACTERISTICS	Detached forward facing gable roof chalet bungalow with 1No. dormer window to both

	sides. Flat roof extension to north side and flat roof extension to rear attaching to garage at side. Large driveway to front and wide and long garden to rear.
CHARACTER OF LOCALITY	Private residential estate formed of detached bungalows, chalet bungalows and two storey houses of varying styles and sizes. Dwellings are set back from the road with parking and gardens with planting to front and gardens to rear.

RELEVANT SITE HISTORY

EG/42/14/T	Fell 1 No. Monterey Pine tree.	ApproveConditionally 06-08-2014
EG/7/72	Alterations additions garage	Approve 29-03-1972

Rear, side and side garage extensions granted permission in 1973.

REPRESENTATIONS

Representations received:

No response.

One public comment received:

"Whilst registering a "no objection" to this Application, we would like it noted that we wish to be consulted on the appearance and layout of the building, particularly of the cladding on the North facing wall which will be very visible to us.

Our privacy will be somewhat reduced in that the new upper floor rear windows will have a side view over our garden, but we appreciate that there are no windows in the North wall directly overlooking us. The raising of the current single story extension on this side of the property to two stories will significantly impact us and the level of light and sun in parts of our garden; as well as "closing in" on us and generating a significant visual presence where there is none at the moment.

We would ask that the cladding applied to the upper story, as depicted in the drawings, is of light and fairly neutral colour so as to mitigate this increased large mass to the South of our house. White, cream or beige would be appropriate colours and not grey or bright colour."

Comments on Representations received:

Comments noted.

The Council would not normally consult or publicly advertise a DOC application should a material condition be included. But the details are publicly available for comment.

Issues surrounding impacts on residential amenity will be addressed in the conclusions section of the report.

Details of the external materials and their colours is to be requested by condition and will be considered at that stage by the Authority.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

DRAINAGE ENGINEERS

Please apply standard condition ENGD2A. Soakaways must be investigated for surface water disposal.

SOUTHERN WATER

Please apply standard informative.

Comments on Consultation responses:

Comments noted.

A significant increase in roof area is proposed, over and above what could otherwise be constructed under permitted development without formal planning consent. As such, it is considered reasonable and necessary to attach the pre-commencement surface water drainage condition to reduce the potential of flood risk through increase in surface water run off.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Within the Lidsey Treatment Catchment Area

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
	GEN9	Foul and Surface Water Drainage
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 QE SP1 Quality of the Environment SD SP2 Built-Up Area Boundary W DM2 Flood Risk
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1		Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5		Quality of design

Barnham & Eastergate Neighbourhood Plan 2014 Contribution to local character POLICY ES6
Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development POLICY GA4

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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 finished in late September.

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 application is considered to comply with the relevant 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 conflict with relevant Development Plan policies in that it would not be subservient to the character of the main house result in a total change in the appearance of the property. This would be contrary to saved policies GEN7 and DEV19 of the Arun District Local Plan 2003.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan.

Although the proposal would conflict with saved policies DEV19 and GEN7, were an application for a new dwelling of this size and style submitted, it is not considered the Council would object on design and visual amenity grounds. As such, whilst it cannot be argued that the extensions would be in character or servient to the host dwelling, the resultant property is considered to be acceptable in terms of the impact on the visual amenity of the street scene which is characterised by various types of detached dwelling with different styles and sizes. In terms of pattern of development, the property would retain a similar footprint and be set back from the road mimicking that of the prevailing pattern of development. Therefore, it is considered that whilst the application would be in conflict with policies and exception can be made in this instance for the above reasons and further reasons set out in the Conclusions section.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The resultant appearance of the dwelling is considered to be acceptable in terms of impact on the street scene. The area is characterised by varying detached property types, styles and sizes thus the detached two storey house that would be created by the development is not considered to be out of character with the area or pattern of development.

Cladding, fibre slate tiles and render are considered to be acceptable materials for the area with an overall residential appearance in a street with properties of varying materials and colours. Details of the final material will be required via condition.

RESIDENTIAL AMENTIY

The extension would result in a increase in the size and visual mass of the dwelling. However, the footprint of the resultant dwelling would not be significantly increased. This results in the extensions passing the 45 degree line test to all neighbouring rear facing habitable room windows of Nos 9 and 11. Direct impacts on 9 and 11 will be addressed separately.

Number 11 has no windows in the side elevation facing the development and no first floor windows are proposed in the north side elevation of the development. The extensions would not project to the rear of number 11 and although would be a level higher to the front side, the extensions would not be high or large enough to result in a significant detrimental overbearing or visually intrusive impact on the windows or direct amenity spaces of number 11.

Number 9 to the south side is set away from the development by approximately 4.7m. As such, even with the host dwelling becoming two storey, is not considered to receive a significantly detrimental overbearing or visually intrusive impact form the development. The facing windows in the side elevation of number 9 would not be significantly overshadowed by the extension given the set off distance, 5m eaves height of the extension and roof form which recedes away from the common boundary with number 9. Furthermore, the facing windows doe not appear to be the sole source of light serving habitable rooms, thus the potential loss of light/overshadowing would not be as significant as that to a habitable room with one source of natural light.

The host dwelling currently has a clear glazed widows facing the side of number 9, the new extension would have 2 windows at first floor level facing the side windows of number 9. However, these windows will serve a hallway a staircase and en-suite bathroom so will be conditioned to be obscure glazed and fixed shut to a height 1.7m above finished floor level. As such, the development will offer less overlooking from first floor level than the existing property. The side facing ground floor windows are not considered to offer an opportunity for overlooking to number 9 as they are low level an wold face the existing 1.8m close boarded fence boundary treatment between the two dwellings. This treatment is not being shown as removed by the development.

The first floor rear facing windows are not considered to create a significant increase in communal overlooking of neighbouring gardens which could be considered damaging to privacy.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policies GEN7 and DEV19.

PARKING

The proposal would provide 4 off street parking spaces and create a 4 bedroom dwelling. As such 4 off street spaces is in line with the requirements of NDP policy GA4. The development is considered to provide sufficient off street parking for a 4 bed property and is unlikely to result in significant pressure in terms of on street parking generation.

The application 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:

Location Plan
Block Plan
Rep:13
Rep:12
Rep: 6
Rep: 7
Rep: 8
Rep: 9
Rep: 5

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for windows, external walls and roofs of the development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 The windows in the first floor of the south elevation of the development shall at all times be glazed with obscured glass fixed to be permanently non-opening to a height 1.7m above finished floor level.

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

5 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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

6 INFORMATIVE: Drainage Engineers advise that 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. Supplementary guidance notes are also available on request.

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.

8 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.