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

REF NO: **EG/64/16/HH**

LOCATION: 49 Elm Grove
Barnham

PROPOSAL: Single storey rear extension & loft conversion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Rear extension with rear dormer and roof lights. The loft conversion creates two additional en suite bedrooms. The proposed rear extension measures 5.5 m deep,10 m wide and 5.3m high to ridge level. The rear dormer measures 5.7m wide, 3m deep and 2.5m high. Materials would match existing.
SITE AREA	Approximately 0.14 Ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front has a hedge approximately 1m in height, east side boundary has wall and 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 properties of various styles and designs.

RELEVANT SITE HISTORY

EG/5/14/	Ground floor extension and loft rooms	ApproveConditionally 28-04-2014

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/79/75	Extension forming improved garage and new bedroom	Refused 15-10-1975
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

There is a planning history of extensions and alterations. Of particular relevance is EG/5/14 ground floor extensions and loft rooms which was approved on 28 April 2014. The current provides a wider rear extension and a hipped rood design rather than the approved gable with the introduction of a large dormer window to the rear to provide a revised layout of loft bedrooms. This previous
permission is a material consideration in the determination of the current application

REPRESENTATIONS

Representations received:

Eastergate Parish Council no response received to date.

One response has been received in relation to public consultation. The objection is summarised as
Follows:

1. The proposed dormer window and rooflights will lead to overlooking of neighbouring property.
2. The proposed scheme is more harmful than the previously approved scheme.
3. Out of character with neighbouring properties.
4. Proposed scheme will lead to a loss of light
5. Proposed extension is not subservient to the main property,
6. Additional pressure on sewage system.
7. The proposed scheme will devalue neighbouring property

Comments on Representations received:

Noted and the majority of issues raised are addressed in the report below. However, the loss of
value of neighbouring properties is not considered to be a material planning consideration in this
case.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

The Council's drainage engineers have no objection and recommends a condition imposed on

any consent.

Southern Water has no objection but recommend an informative in relation to connection to the public sewer.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built up area
No public sewer
Drainage area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in 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 SP1 Design SD SP2 Built-Up Area Boundary T SP1 Transport and Development
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
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.

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 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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

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 considered to conflict with relevant Development Plan policies in that it would be visually obtrusive or prominent and would have an adverse impact on the character and appearance of the host property and the wider 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 application site is situated within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.
Furthermore, the principle of a rear extension and loft conversion have been accepted by the 2014 permission, EG/5/14. Therefore, it is the scale and form of the new development and its impact upon the amenity of adjoining occupiers that are the main issues.

The proposed rear extension would be just below two thirds the width of the main body of the house. The proposed extension would be sited between approximately 2.4m and 3m from the boundary with No.48 and 12.7m from boundary with No.51 The proposed rear extension retains a

large part of the garden area and would be 28.5m from the rear boundary. The majority of the extension would not be readily viewed off Elm Grove, however the north elevation could be seen from the street albeit with an angled view across No.48. This impact is reduced by the existing pattern of development and landscaping.

The proposed single storey rear extension is wider and deeper than the previous approved scheme. In addition, the proposed extension provides a change in roof design from the previous approved scheme, being a gable roof to a hipped roof. This in itself appears to increase the visual bulk of the building of the building when viewed at the rear (east) and also the side (north) and when considered with the increased width and depth this visual impact is increased.

Furthermore, the approved scheme incorporated a dormer window in the original roof, which as pointed out at the time could possibly be permitted development, there was also a small dormer window in the approved extension. However, the proposed scheme provides one large dormer in the roof of the proposed rear extension and also three rooflights in the side elevations. The rooflights are not considered harmful but the rear dormer window increases the bulk and dominance of the rear extension, the proposed dormer window extension appears top heavy in the roof slope and also when viewed from the rear has an awkward appearance by appearing to extend beyond the roof slope of the hipped roof.

Materials of both extensions would match the existing house.

Therefore, it is considered that due to the size and design of the extension that the proposed development would be unduly dominant and therefore harmful to the character and appearance of the host property and the wider area.

There are no windows proposed in the side elevations with the main windows facing onto the rear garden however there are two rooflights in side elevation facing No 48, which is oriented at 90 degrees to the application property and has windows facing the application site. The rooflights provide light to en suite bathroom and the landing area and therefore, subject to an appropriate condition that they should be obscure glazed are not considered to harmful and there would be no unsatisfactory level of overlooking of the neighbouring property.

With regard to impact on outlook on the neighbouring property, whilst the proposed extensions is considered to be visually more dominant than the previous approved scheme, the extension would be sited approximately 12m from the property at No.48. Given No.48 is a two storey property it is not considered that the increased depth and design incorporating the large rear dormer will be unduly dominant upon the occupiers of the adjoining property at No.48. As such the proposed extension would not be harmful to the amenity enjoyed by the occupiers of this property.

It is not considered that the proposed development, due to its position would be harmful to the amenity enjoyed the occupiers of No.51 to the south.

There are no parking implications arising from the proposed development.

In summary, the proposed development is considered to be visually obtrusive or prominent and would have an adverse impact on the character and appearance of the host property and the wider area.

The proposed development is therefore 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 The proposed development by reason if its scale, height and overall appearance would be unduly dominant and as such adversely affect the character and appearance of the host property and the wider area contrary to policies GEN7, DEV19 of the Arun District Local Plan.

2 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.