

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

REF NO: EG/65/13/

LOCATION: 43 Elm Grove
Barnham

PROPOSAL: New first floor and roof over existing bungalow; new lean-to roof to side and front to form covered porch and car port

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The new first floor increases the height of the dwelling from 2.1m to 4.7m (eaves) and from 4.8m to 7.5m (pitch). The first floor includes one flank window - a WC on the western side. The new covered porch/car port essentially adds a roof instead of a pergola structure and extends it round to create a new porch over the relocated entrance door. The house will have 4 bedrooms.

TOPOGRAPHY

The site is flat.

TREES

No trees of any significance are affected by the proposed development.

BOUNDARY TREATMENT

1.8m high fence to 44 also with a hedge of 2.5m+. 1.9-2m high fence to 42 which is lower in height to the front part but is supplemented by a hedge.

SITE CHARACTERISTICS

This is a detached pitched roof bungalow in white render and tiles with a front facing gable. There is an existing pergola to the front and western side of the dwelling. There is front hardstanding parking for two cars and also space under the pergola to the side.

CHARACTER OF LOCALITY

The site is located in a private residential road, of predominantly detached dwellings of various heights and styles.

The dwelling to the west, no. 42 is also a detached pitched roof bungalow but with a side facing gable. It has a kitchen window on the flank and a conservatory on the rear close to the boundary. No. 44 to the east is a detached two storey house. It has a secondary bedroom window and bathroom window on the first floor

flank and a conservatory on the rear adjacent to the shared boundary.

RELEVANT SITE HISTORY

EG/19/56	Outline application house or bungalow	ApproveConditionally 17-09-1956
EG/19/56/A	2 dwellings	Refused 08-07-1965
EG/19/56/B	Dwelling and car port	Approve 10-02-1966

None.

REPRESENTATIONS

Representations received:

Eastergate Parish Council - no comments recieved.

Comments on Representations received:

CONSULTATIONS

Southern Water Planning

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site: Outside of the Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN7</u> <u>DEV19</u>	The Form of New Development Extensions to existing residential buildings
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PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 conflicts with Policy DE19 in that it is not subservient to the existing dwelling but is otherwise considered to comply with the 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 is a material consideration to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely that the streetscene is one of both bungalows and two storey houses such that the increase in height does not have any detrimental impact on the streetscene.

CONCLUSIONS

Policy GEN7 requires that new development is designed with regard to the established local character and that it does not have an unacceptable adverse impact on adjoining occupiers. With specific regard to extensions to dwellings, Policy DEV19 requires that these are visually subservient to the existing building and do not have any adverse impacts on neighbouring properties by reason of overlooking or overshadowing. Also extensions must reflect the existing streetscene.

The proposal whilst seeking to more than double the height of the existing dwelling is not considered to have any adverse impact on the streetscene as there are other two storey dwellings present (including the one next door). Aside from the solid roof to replace the pergola roof, the extensions do not extend the dwelling at the side, rear, or front and as a result there is no impact on neighbouring properties. There is a bedroom window in the first floor flank wall of no. 44 but it is a secondary window, there is an existing 6.5m gap between the flanks of 43 & 44, and no windows are proposed in the eastern flank of the new storey. Conditions will be attached to prevent any flank windows and to ensure that the west facing toilet window is obscure glazed.

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 AND BLOCK PLAN 0725/DPA01;
EXISTING AND PROPOSED GROUND FLOOR PLANS 0725/DPA02;
EXISTING AND PROPOSED FIRST FLOOR PLAN AND ROOF PLAN 0725/DPA03;
EXISTING AND PROPOSED NORTH AND SOUTH ELEVATIONS 0725/DPA04;
EXISTING AND PROPOSED EAST AND WEST ELEVATIONS 0725/DPA05;
PROPOSED SITE PLAN 0725/DPA06;
PROPOSED STREET SCENE 0725/DPA07; and
PROPOSED SITE PLAN 0725/DPA06.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 of the Arun District Local Plan.

- 3 The new WC window on the western elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently top vent opening only.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the eastern or western first floor flank walls of the building without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the roof of the dwelling as extended shall not be extended in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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.