

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

REF NO: EG/68/17/HH

LOCATION: 46 Elm Grove
Barnham

PROPOSAL: Two storey side extension. Replacement of conservatory roof.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The two storey side extension would project from the south east elevation of the host dwelling and have the same eaves and ridge height as the main property. A two storey gable end front projection and bay window to rear at ground floor level. The extension would have a rear facing dormer at first floor level serving the proposed bedroom.

The extension would create an en-suite bedroom (bedroom 4) at first floor level and dining room, utility room and store at ground floor.

A replacement gable end tiled roof to the existing conservatory.

The existing detached side garage would be demolished to make way for this extension.

SITE AREA

0.08 hectares.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.6m fence to sides and rear, none to front.

SITE CHARACTERISTICS

Detached two storey chalet bungalow with garden and off street parking to front, detached single storey garage to side and garden to rear.

CHARACTER OF LOCALITY

Semi-rural suburban residential estate formed of two storey detached dwellings, chalet bungalows and bungalows, set back from the road with off street parking and gardens to rear.

RELEVANT SITE HISTORY

EG/34/05/	First floor extension with dormer plus rear conservatory	ApproveConditionally 14-06-2005
EG/20/61	New hall and double garage	Approve 06-12-1961
EG/20/61/A	Garage	Permit'd Devel 19-06-1965
EG/53/72	Additions	Approve 22-11-1972

Existing rear dormer roof extension and conservatory granted conditional planning permission in 2005.

REPRESENTATIONS**Representations received:**

No comments received.

One letter of representation received. Objects on the grounds of loss of view 47 Elm Grove has of the road, overbearing impact and loss of privacy as the new rear dormer window will look into the front of number 47.

Comments on Representations received:

Comments noted.

The officer disagrees with the points made in the representation regarding overbearing impact and loss of a view.

The extension would be set more than 8m away from the front of number 47 and the nearest section of number 47's building is a garage. The area to the front of 47 is a driveway and front garden and is not considered to be sensitive private amenity space for the purposes of impact on residential amenity.

In addition to this, no property has a right to a view and it is not considered that the extension is large enough or located in a position that could be reasonably argued to significantly impact the outlook from the ground floor front windows of number 47.

The officer agrees with the point made regarding the rear dormer window. It is considered that if it is to be clear glazed it would provide a view into the front windows of number 47, some of which are habitable rooms. As such, a condition will be imposed to obscure glaze the rear dormer window to a height 1.7m above finished floor level. It is not considered reasonable or necessary for the window to be conditioned to be fixed shut as it may be needed for means of escape and ventilation.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

DRAINAGE ENGINEERS

Please apply standard pre-commencement condition ENGD2A.

Comments on Consultation responses:

Comment noted.

The imposition of the drainage condition is considered reasonable in this instance as the extension could not be carried out under permitted development rights and will create a significant amount of new roof area. The condition will be applied.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

Within the Lidsey Foul Water Catchment Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN7

Extensions to existing residential buildings
 Built-up Area Boundary
 The Form of New Development

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

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY GA4

Parking and new development

PLANNING POLICY GUIDANCE

NPPF
 NPPG

National Planning Policy Framework
 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 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).

The development is considered to comply with relevant NDP policies.

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

DESIGN AND VISUAL AMENITY

Although the side extension is not set down from the main roof of the host dwelling, it is considered to be in character with its appearance as it would have the same roof form and similar gable front projection with detailing and materials to match existing. These will be ensured via condition. As such the extension, overall is considered to meet the aims of saved policies GEN7, DEV17 and policy ES5 of the Barnham & Eastergate NDP.

RESIDENTIAL AMENITY

The main property to receive an impact from the proposal would be number 47 Elm Grove which is a detached two storey dwelling set back from number 46 to the north east of the host dwelling. Number 47 is adjacent to the large front driveway and garden of 47. The proposal when viewed overall is not considered to be overbearing or visually intrusive to the residential amenities of number 47 or result in a significant loss of light. This is owing to the significant set back of number 47 from number 46, the relatively modest scale of the extensions and the orientation of number 46 to the north east of the proposal meaning it will not receive a significant loss of sunlight or daylight.

It is considered that there could be potential loss of privacy created through overlooking from the rear dormer window and rear facing first floor hall window. Were these to be clear glazed it would provide a view into the front windows of number 47, some of which are habitable rooms. As such, a condition will be imposed to obscure glaze the rear dormer window and first floor rear facing hall way window to a height 1.7m above finished floor level. It is not considered reasonable or necessary for the window to be conditioned to be fixed shut as it may be needed for means of escape and ventilation.

The development would have little impact on other neighbouring dwellings in terms of residential amenity. The replacement of the conservatory roof with a gable tiled roof would see very little additional impact on the residential amenities of number 45 Elm Grove.

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

PARKING

The development if constructed would create a three bedroom dwelling and in line with Barnham & Eastergate NDP policy would require 3 off street parking spaces. The proposed block plans shows allocated parking spaces off street for 3 cars which meet the space requirements of 2.4m wide and 4.8m deep to the front. Whilst this would not provide turning space on site, the cars could reverse onto the road safely. As such the proposal is considered to meet the aims of NDP policy GA4 and is unlikely to lead to significant on street parking pressure which could result in highways danger.

The application is considered to comply with the development plan and 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:-

P01
P02
P03

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 roofs of the development hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The first floor hallway window and windows in the dormer window on the north east facing elevations of the development shall at all times be glazed with obscured glass to a height 1.7m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property (number 47 Elm Grove, Barnham) 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: 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.