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

**REF NO:** **EG/74/12/**

**LOCATION:** 20 Highview Road
Eastergate
Chichester

**PROPOSAL:** Addition of two rooms over previous ground floor garage extension - Resubmission of EG/60/12

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | As above |
| SITE AREA | Approximately 267 sq metres |
| RESIDENTIAL DEVELOPMENT DEN | N/A |
| TOPOGROPHY | Predominantly flat. |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | Front and side boundary adjoining the highway is a trellis, 1 metre high supplemented by planting. Rear boundary is a 2 metre high wall. |
| SITE CHARACTERISTICS | Detached two storey modern dwelling faced in brick with tiled, pitch roof and single storey flat roof garage extension to side. |
| CHARACTER OF LOCALITY | Residential road comprising two storey red brick detached and semi-detached dwellings of identical character and design. Nos 20,22,32 and 34 are identical in character. |

## RELEVANT SITE HISTORY

| | | |
|---|---|---|
| EG/60/12/ | Addition of two rooms over previous ground floor garage extension. | Refused<br>25-10-2012 |
| EG/40/70 | Change of use of one room for hair | Refused<br>19-08-1970 |

## REPRESENTATIONS

**Representations received:**
Awaited.

**Comments on Representations received:**
Awaited.

## CONSULTATIONS

Southern Water Planning

**Consultations responses received:**

Southern Water: Southern Water requires a formal application for connection to the public foul sewer to be made by the applicant or developer. There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to the public foul sewer. 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'. The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

**Comments on Consultation responses:**

Comments noted. Details of surface water drainage shall be conditioned.

## POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Special consultation area Barnham

### DEVELOPMENT PLAN POLICIES

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|---|---|---|
| Arun District Local Plan: | DEV19 | Extensions to existing residential buildings |
| | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |
| | GEN9 | Foul and Surface Water Drainage |

### 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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally

adopted due weight has been given to its policies in terms of the decision making process at this stage.

## 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

PROPOSAL
The application is a re-submission of application EG/60/12/ which refused consent for a first floor side extension. The application was refused by reason of its flat roof design that failed to integrate visually with the pitch, gabled roofline of the host dwelling.

DESIGN AND VISUAL AMENITY
The design of the extension is amended to incorporate a pitch, hipped roof. The width and depth of the proposed extension is identical to the previous scheme EG/72/12/. The ridgeline of the extension will be positioned 150mm below the roofline of the dwelling and the roof will be finished in matching tiles with facing brickwork on the external elevations of the extension. The current proposal is considered to be a more acceptable design that integrates visually to the host property, to comply with policy DEV19. The pitch roofline would be in keeping with the character and design of the property and would preserve the character of the streetscene.

RESIDENTIAL AMENITY
The impact and relationship to the neighbouring property to the east at no. 18 was previously judged to be acceptable with no loss of privacy, daylight or outlook. There has been no material change to the site or the relationship to the neighbour. The addition of a pitch roof would have no adverse impact on the amenities of the neighbour.

DRAINAGE
Southern Water requires a formal application for connection to the public foul sewer to be made by the applicant. There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development will therefore be required.

SUMMARY
In summary, the amended scheme is considered to be an appropriate design that preserves the character of the property and the streetscene, and would not adversely impact the amenities of

the neighbouring property. It is therefore recommended that consent is granted, subject to the following conditions.

## 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 to 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 (Neutral) 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).

## 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: drawing no. 220.00 rev B Existing Site Location Plan, drawing no. 220.03 rev D Block Plan of Proposed Works, drawing no. 220.01 rev B Existing Plans and Elevations, drawing 220.02 rev E Proposed Plans and Elevations, received on 6 December 2012.

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 windows (other than those shown on the plans hereby approved) shall be constructed in the east elevation of the extension hereby permitted which adjoins the side boundary

withno. 18 Highview Road without the prior permission of the Local Planning Authority on an application in that behalf.

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

4 INFORMATIVE: The applicant is advised that a formal connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688) or www.southerwater.co.uk. 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'. The applicant should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2, DEV19

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

6 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.