

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

REF NO: EP/111/17/HH

LOCATION: 21 Worthing Road
EAST PRESTON

PROPOSAL: Rear extension. Revision of previously approved EP/68/16/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application comes about because of the discovery of a public sewer in the driveway coming from No. 19 Worthing Road. As an inspection chamber would have been under the EP/68/17/HH extension we have had to re-design the proposal because Southern Water will not allow the building over of inspection chambers and because of separation distances the chamber cannot be moved. The extension has been moved 1.3m closer to the rear boundary, but the length of the extension adjacent to the boundary has been reduced by approx. 0.9m on the eastern boundary, it has increased by 0.6m on the western side and the width has increased by 0.5m. The roof has also changed in design and has marginally increased in height with the change from a flat roof to a false pitch.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m high close boarded fencing on side boundaries

SITE CHARACTERISTICS

Detached chalet style dwelling with flat roofed garage to rear. Brick elevations and plain tile roof. Dormers to front and rear. Neighbouring properties both have conservatories to the rear. Construction works have begun on site.

CHARACTER OF LOCALITY

Predominantly residential characterised by detached and semi-detached mainly single

storey dwellings.

RELEVANT SITE HISTORY

EP/68/16/HH

Side & rear extension

ApproveConditionally

11-07-2016

REPRESENTATIONS

Representations received:

East Preston Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water:

No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewer.

The submitted plan shows a sewer serving neighbouring property and crossing the proposed site at the rear of the existing building (not shown on our records). It appears that the developer is intending to divert and/or build close to a public sewer. Building close/over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to ascertain its condition, the number of properties served, and potential means of access, before any decision can be made as to whether it would be acceptable for the proposed development close to the sewer. Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker - in this case Southern Water.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Our initial investigations indicate that 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 a public foul sewer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Southern Water requires a formal application for a new connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Comments on Consultation responses:

Comments noted. The application has arisen following discussions with Southern Water. The requested informative and condition have been imposed

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN7

Extensions to existing residential buildings
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)

SD SP2 Built-Up Area Boundary

East Preston Neighbourhood Plan 2014 Policy 1
East Preston Neighbourhood Plan 2014 Policy 3

Housing - General Principles
Design in Character Area Two

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 East Preston Neighbourhood Plan has been made and policies 1 and 3 are considered relevant to the determination of this application

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

PRINCIPLE

The application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the relevant considered are deemed to be policies GEN7 and DEV19 of the Arun District Local Plan; Policies 1 and 3 of the East Preston Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed single storey extensions by virtue of their design, location and materials are considered to appear well integrated and subservient to the host dwelling. Therefore, the proposed development is considered to comply with policies DEV19(i) and (ii) of the Arun District Local Plan.

The proposed extension will be set back from the front elevation of the dwelling and will not be readily visible in the street scene. The flat roofed extension will be visible to the side of the dwelling, but will replace an existing flat roofed garage which is similarly located. The change from a flat roof to a false pitch is welcomed as this improves the appearance of the extension. Therefore, the proposals are considered to respect the established character and visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan and Policy 1(i) of the East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed single storey extension the subject of this application by virtue of its design and location are not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours. The single storey extension to the rear is set in 1m from the eastern boundary and is 3.1m deep with a height of 2.8m. The side extension is located virtually on the western boundary and extends for a length of 6m adjacent to the boundary, but replaces an existing flat roofed garage in a similar position. Given its low roofed design, position and proportions the amended scheme will have no detrimental impacts upon the amenity of neighbours. Therefore, the development is deemed to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 1:1250, Block plan 1:500, 1887/01/03 Ground floor , 1887/01/02 Plans and Elevations and 1887/01/04 First Floor.

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 development shall not commence until full details of the proposed foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 4 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.

- 5 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.