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

REF NO: **EP/120/15/HH**

LOCATION: Hascombe
33 Tamarisk Way
East Preston

PROPOSAL: Remodelling & extensions

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of a single storey detached pitched roof garage/pool building to the west side of the existing dwelling which has a plant room in the roof, a 2 storey extension to the rear to provide additional bedrooms and a 2 storey extension to the front of the property. The garage room is 28m long by 7.3m wide with an eaves height of 2.8m and a ridge height of 6.4m. The first floor would be increased in depth approx. 4m on the east side and 5.8m on the west side to the rear and 4.7m to the front to the east side. The width of the main dwelling remains unaltered.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Leylandi trees on site frontage are not of any merit
BOUNDARY TREATMENT	Fencing/walling and bushes enclosing rear garden to between 2-3m in height.
SITE CHARACTERISTICS	Detached 2 storey dwelling with third floor in roof. Painted rendered elevations with plain tile roof.
CHARACTER OF LOCALITY	Predominantly residential in character, there are generally two storey detached properties set within substantially sized plots. The property is located within a private residential estate.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

East Preston Parish Council

First Consultation response - No Objection. The committee was unanimous in its praise for the clarity and quality of the plans.

Second Consultation response - No Objection.

East Preston and Kingston Preservation Society - The application is best judged as a new house, because it proposes the restyling of the existing building. The issue of subserviency is not therefore relevant. As a new house the proposal demonstrates a high standard of architectural design. The present house on the site is undistinguished in design. The proposal is a great improvement. The proposal would add another house of genuine architectural interest to a road that already contains some houses of interest in styles that vary from the Modern Movement to the Arts and Crafts

18 letters of support - Property is in need of a face lift. A more stylish property would be welcomed. Pools and gyms are a common feature in gardens in this location. The building would be positioned and designed to discretely fit in. The plans have been carefully thought through and will not only improve the street scene but create a family home. Should be welcomed since the estate will be more desirable and attractive.
The only change in scale and massing is the addition of a pitched roof over the side garage which replaces the poor quality gated parking enclosure. Some small alterations bring the building forward but only to parts that are set back from the existing front elevation. These alterations are all considerably away from the street scene building line and do not affect mass or scale in any way. No shading will occur to the adjoining neighbour. The east dormer is existing and the number of windows is reduced and those retained obscure glazed.

10 letters of objection - The proposed development due to its scale, form, height and design would not appear visually subservient to the host dwelling and would compete with it and dominate and detract from the character and appearance of the area in conflict with policy. Would be oversized for the site. Dwellings are set back in harmony from greensward. The length adjacent to the boundary with the footpath will be an eyesore and should be reduced. Adjoining neighbour would be overlooked. The side extension looks like a municipal style swimming pool/leisure complex. Loss of garden will have a detrimental impact on the ecology. Mature trees on eastern boundary should be retained.

No existing elevation plans have been submitted.

Comments on Representations received:

Comments made in support of the application are agreed.
The extension towards the greensward would have no adverse impact on the character of the area. It would still retain a gap to the seafront that is in keeping with the visual amenities of the locality. The length of the extension adjacent to the boundary with the footpath should be off set against the fact that it would be screened by existing hedging and fencing and at its closest point would be 0.8m from the boundary. The single storey extension would pitch away from the western boundary and would not dominate the accessway. Given the distance to the neighbouring property the outlook will not be compromised.
Existing elevation plans have now been submitted.
The plans have been amended to reduce the rearward extent of the extensions and increase

the projection to the front to reduce the impact on the neighbouring property top the east.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of 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 DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design

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; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. The East Preston Neighbourhood Plan was made on the 11th March 2015 and Policies 1 and 2 are deemed to be 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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan which in this case are GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY
This application seeks planning permission for a front, rear and west side extension. The front extension will be visible in the street scene as indeed will the existing dwelling once the trees on the site frontage are removed. The submitted street scenes and elevations indicate that the proposed development will not be overly prominent and that the ridge height level and dimensions will not be significantly increased. The design and appearance of the dwelling will be improved. The existing dwelling contains front dormers and the overall size of the dwelling would not appear out of character in this residential estate. The dwelling would be altered in shape to have a symmetrical appearance to the front elevation and it would be located no closer to the site

frontage than the forward most part of the existing dwelling.

The garage/pool extension will be located on the west elevation of the property adjacent to a pedestrian access to the seafront. The additional width will be set back from the front elevation at approximately 7m and will retain a gap of 0.8m at its closest point to the side boundary. The dwelling would be no closer to the dwelling to the east and would retain the existing 3.8m gap to this side boundary. 3 balconies are proposed, but there are other balconies on nearby properties and one balcony on the existing dwelling. The principle has therefore already been established and is considered acceptable for this residential property in a coastal position. The development would not extend to both side boundaries and the first floor development would not extend across the site. The dwelling would therefore retain the spacious characteristics of the surrounding development.

The extensions in terms of their siting, size and height are considered subservient to the existing dwelling. The footprint would not be significantly increased at first floor and the ground floor extensions are focused on the rear and side of the dwelling.

It is therefore considered to comply with relevant policies GEN7(ii) and DEV19(i),(ii) and (iv) of the Arun District Local Plan.

RESIDENTIAL AMENITY
The only adjoining residential property is that to the east. The proposed windows on the East side elevation and the balcony could cause adverse overlooking and loss of privacy to this neighbouring property and a condition has therefore been imposed to ensure no additional windows are provided and that all new glazing is obscured to protect residential amenity. There is currently an existing dormer window in the roof area on this elevation and it is not therefore considered appropriate to condition that its replacement is obscure glazed.

The dwelling would be no closer to this boundary, but it would extend for a greater distance adjacent to the boundary. The plans have been amended to reduce the rearward projection by 3m and increase the front extension by a depth of 3m. Given the position of the dwelling and the size of the garden of the adjoining property it is not considered that there would be a materially adverse overbearing impact on the garden area of this dwelling.

The proposal is therefore considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

It is therefore recommended that the application is approved, subject to the following 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 (the right to respect for private and family life

number and description) 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 no 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).

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 1043.12, 1043.03, 1043.05, 1043.02a, 1043.04, 1043.01, 1043.45, 1043.38b, 1043.39a, 1043.42b, 1043.41b, 1043.44a, 1043.10b, 1043.40a and LLD816/01 rev00.

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 windows on the east elevation of the building at first floor level shall at all times be glazed with obscured glass.

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)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level or above in the east side of the dwelling 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 Prior to commencement of development details of a 2m high balcony screen to the east side of the balcony serving the master bedroom shall be submitted to and approved by the Local Planning Authority and the screening shall be provided prior to use of the balcony and shall be retained in perpetuity.

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

6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme along the site frontage. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

7 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

8 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.

9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.