

Recommendation Report for Planning Permission

REF NO: EP/132/19/PL

LOCATION: 25 Myrtle Grove  
East Preston  
BN16 2SW

PROPOSAL: Variation of condition 2 imposed under EP/20/19/HH relating to condition 2-  
approved plans for proposed floor plans & elevations.

SITE AND SURROUNDINGS

|                            |                                                                                                                                                                                                                                            |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks amendments to an earlier approval, EP/20/19/HH, the amendments relate to predominantly alterations to the fenestration, changes to the materials and their distributions, and the retention of the existing chimney. |
| SITE AREA                  | N/A.                                                                                                                                                                                                                                       |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                        |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                                                             |
| BOUNDARY TREATMENT         | The site is bordered by a mixture of foliage and fencing.                                                                                                                                                                                  |
| SITE CHARACTERISTICS       | Detached dwelling.                                                                                                                                                                                                                         |
| CHARACTER OF LOCALITY      | The locality is host to a variety of dwellings styles and designs.                                                                                                                                                                         |

RELEVANT SITE HISTORY

|             |                                                                                                                                                                                                                                                                         |                                  |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| EP/20/19/HH | Demolish existing sunroom, lean to canopy, and partially demolish existing garage. Erect side and rear extensions including replacement garage. Alterations to fenestration and external materials. Create additional access to private road for 'in and out' driveway. | ApproveConditionally<br>17-04-19 |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council  
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

N/A.

|                       |
|-----------------------|
| <b>POLICY CONTEXT</b> |
|-----------------------|

Designation applicable to site:

Within built up area boundary

**DEVELOPMENT PLAN POLICIES**

[Arun Local Plan 2011 - 2031:](#)

|       |                                                         |
|-------|---------------------------------------------------------|
| DDM1  | D DM1 Aspects of form and design quality                |
| DDM4  | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1  | D SP1 Design                                            |
| SDSP2 | SD SP2 Built-up Area Boundary                           |

[East Preston Neighbourhood Plan 2014 Policy 2](#)      Design in Character Area One

East Preston Neighbourhood Plan 2014 Policy 1      Housing - General Principles

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

|                          |
|--------------------------|
| <b>POLICY COMMENTARY</b> |
|--------------------------|

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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).

|                                                       |
|-------------------------------------------------------|
| <b>DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND</b> |
|-------------------------------------------------------|

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 the proposed alterations are not considered to result in any significantly harmful impact upon the character of the host dwelling, or its locality, nor is it considered to have a harmful impact upon the residential amenities of neighbouring dwellings.

#### 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 proposal seeks amendments to an earlier approval, EP/20/19/HH, these are detailed further below:

- Removal of glazed gables in the Western elevation
- Existing window sill in East elevation not reduced
- Sliding doors replace windows at the rear of the Eastern extension
- Juliet balcony replaces window at rear of East extension (serving Bedroom #3)
- New window to the rear of the study
- Changes to materials and their distribution
- The existing chimney is retained

Therefore, consideration of this application is limited to both visual amenity, and neighbouring residential amenity.

##### DESIGN AND VISUAL AMENITY

The proposed development is not considered to result in any harmful impact upon the character of the locality. Whilst the redistribution of the materials is noted as resulting in a significant change to the appearance when compared to that previously approved, it is not to such a degree as to cause the host dwelling to appear unduly dominant within the locality. The alterations to the fenestration are also not considered to have any harmful impact on the appearance of the dwelling on the whole.

##### NEIGHBOURING RESIDENTIAL AMENITY

The proposed alterations to the scheme are not considered to result in any significant impact upon the residential amenities of neighbouring dwellings. This is due to the condition relating to obscure glazing, as imposed on the previous application. None of the alterations to the fenestration are considered to result in any changes in overlooking from the application site.

##### SUMMARY

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

#### 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**

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 approved shall be carried out in accordance with the following approved plans:

- Location Plan - 18114 - 101 - 12/02/2019
- Block Plan - 18114 - 102 - 12/02/2019
- Proposed Site Plan - 18114 - 104 - 13/02/2019
- Proposed Plans - 18114 - 405 - 01/05/2019
- Proposed Elevations - 18114 - 505 - 16/01/2019 - Rev. B - 15/10/2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 **INFORMATIVE:** This permission relates to the variation of Condition 2 of planning permission EP/20/19/HH, in that it has been superseded by Condition 1 of this application. The applicant is advised and reminded that the planning conditions attached to the original planning permission, EP/20/19/HH, remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 3 **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.