

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EP/141/14/HH**LOCATION:** 34 Tamarisk Way
East Preston**PROPOSAL:** Re-building following major fire damage. Proposed works to include rebuilding of first floor & roof including new plain clay tile roof finish instead of the previous thatched roof finish. Resubmission of EP/97/14/HH.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2000 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and trees extend along all boundaries at over 3m in height.
SITE CHARACTERISTICS	The site comprises a residential detached property that has recently suffered extensive fire damage to its roof and the first floor and has left only the ground floor and main chimney largely intact. The previous property was two storeys in height with a thatched roof in the 'arts and crafts' style.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties of a sizeable nature and different styles set within spacious plots in the area.

RELEVANT SITE HISTORY

EP/102/05/	Proposed first floor rear extension over existing ground floor footprint	ApproveConditionally 05-10-2005
EP/48/10/	Renewal of unimplemented planning permission ref: EP/102/05/ for proposed first floor rear extension over existing ground floor footprint	ApproveConditionally 02-07-2010
EP/75/13/	Renewal of unimplemented planning	ApproveConditionally

	permission EP/48/10 for proposed first floor rear extension over existing ground floor footprint	02-08-2013
EP/97/14/HH	Re-build following major fire damage to include implementation (including amendments) of previously granted planning permission EP/75/13	Withdrawn 11-08-2014

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

One letter of objection.

*Parts of the property such as the garage and pool run inches to the rear boundary fence with Marden House (no. 2 West Ridings) and the opportunity should have been taken to move the whole property some distance south. This would have provided more light and privacy to Marden House.

*The purchasers of the site may not use the plans prepared by the vendor and submit their own plans for approval. It is requested that Marden House be consulted to ensure that none of their building abuts the boundary.

Comments on Representations received:

Comments noted. Only the scheme submitted in the application is for consideration. This is considered to not cause any harmful loss of light or privacy to Marden House (no. 2 West Ridings) due to re-establishing a similar form and spatial relationship as the former property. If subsequent plans are submitted, then the application will be advertised in the usual way with site notices and an advertisement in the West Sussex Gazette newspaper, but no specific consultation will be made to Marden House as this falls outside of the application process.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#) Built-up Area Boundary
[GEN7](#) The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#) D DM1 Aspects of Form and Design Quality
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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: Arundel; Barnham & Eastergate; Felpham.

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 the Arun District Local Plan which in this case is considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to reinstate a fire damaged property which has resulted in the loss of the thatched roof and extensive damage at first floor level to leave the ground floor walls and a chimney largely intact. The principle difference between the previous property and the proposed is the change from a thatched roof to a plain clay tiled roof with 1no. additional dormer on the side (west) elevation.

This application is considered to successfully overcome previously held concerns in planning application EP/97/14/HH in now reducing the number of dormers to an acceptable level along the side elevations and deletion of a visually dominant first floor rear extension over the garage wing. It is considered that the property now faithfully reproduces the form and scale of the original dwelling and in this regard will not form a significant departure in visual terms. The substitution with clay tiles on the roof is considered to be acceptable given its use on neighbouring properties and the wider residential character of the area.

The proposed alterations to the dwelling are therefore considered acceptable in design terms and complies with relevant policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The relative close proximity of the property to the northern and eastern boundaries has already been established by the previous building, the ground floor of which still remains. The 3no. dormers on the side (east) elevation substitute windows in previous positions and the additional 1no. dormer on the side (west) elevation is comparatively small and maintains an acceptable separation distance to the neighbouring property such that it will not cause any harmful overshadowing or loss of privacy. There will be no harmful residential effects on no. 2 West Ridings (Mardon Hall) due to re-establishing a similar form and spatial relationship as the former property which includes an acceptable separation distance away from this neighbouring property.

It is therefore considered that the proposal is acceptable in residential amenity terms and complies with policy GEN7(iv) of the Arun District Local Plan.

It is therefore recommended that the application be approved, 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 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, a neutral impact has 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 number LC1 Rev B (Location and block plan) dated June 2014, PL1 Rev B (Existing plans and elevations) dated 27-02-2014 and PL2 Rev C (Proposed floor plans and elevations dated 27-02-2014.

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 of the extensions at first floor level hereby permitted shall match in colour and texture to those of the existing building.

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

- 4 **INFORMATIVE:** 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 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.