

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

REF NO: EP/143/14/HH

LOCATION: 9 Madehurst Close
East Preston

PROPOSAL: Erection of new porch, single storey side extension and single storey rear extension. New pitched roof to replace existing flat roof.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1740 square metres.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is surrounded by approximately 2 metre high hedging to the front and rear and there is additionally an approximately 1.8 metre high timber fence inside of this on the rear boundary. A 2 metre high wall is located on the eastern boundary.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling which contains an integral garage and has a gable roof. The elevation walls are finished, predominantly, in white painted render with occasional sections of stonework and red brick. There are single storey flat roof extensions to the front and rear.
CHARACTER OF LOCALITY	The site is located on a private residential road which is characterised, predominantly, by detached bungalow and chalet dwellings which are set back from the road.

RELEVANT SITE HISTORY

EP/30/07/	Provision of indoor swimming pool, ensuite to main bedroom suite	ApproveConditionally 25-04-2007
EP/34/10/	Renewal of unimplemented planning permission ref: EP/30/07, for provision of indoor swimming pool and ensuite to main bedroom suite	ApproveConditionally 18-05-2010

No comments.

REPRESENTATIONS

Representations received:

East Preston Parish Council

The planning committee of this council considered this Application at its meeting on Monday, 13th October. It agreed it would raise no objection to this Application.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water:-

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.

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, 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.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan
PD Restriction
Private Street
No Public Sewer

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)	

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

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case is policy GEN7 which seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area.

The application seeks planning permission for a rear extension, side extension and porch. These additions have been designed sympathetically and are in keeping with the existing character of the area and are visually integrated with the existing building in siting, design, form and scale.

The site is well screened with 3m hedging to the rear boundary; 2m hedging to the front boundary; and a 2m wall on the eastern boundary. The extension to the eastern side of the dwelling is located 17 metres from the boundary wall and the rear extension 6 metres away from the rear boundary hedge.

Therefore, the proposal is deemed to be in accordance with policies GEN7 and DEV19 of the Arun District Local Plan and it is recommended that subject to the following conditions the application is approved.

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 for 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 no impacts have been identified upon any 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 Existing floor plans, elevations, roof plan, location and block plan - 14011/01 & Proposed floor plan and elevations - 14011/02.

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 and roof of the building hereby permitted shall match in colour and texture 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.