

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

REF NO: EP/145/17/HH

LOCATION: 9 Nursery Close
East Preston
BN16 1QD

PROPOSAL: Extend garage & form pitched roof over. Single storey infill extension between enlarged garage & house. Formation of enlargement to existing dormer on SE elevation & addition of pitched roof to existing dormer on NW elevation. Removal of tile hanging from gables & dormers & fitting fibre cement weather board.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>As above</p> <p>The garage would be extended by approximately 0.7m wide to 3.4m and 2m in length to approximately 7.5m. The new roof would provide a maximum height of approximately 5m with an eaves height of 2.3m.</p> <p>The single storey infill extension between enlarged garage & house would measure approximately 4.6m wide with the roof extending further into the roofslope of the proposed garage, 5.5m deep and 4.7m high (max).</p> <p>The proposed dormer on the south east elevation would measure approximately 4.3m wide and 4.3m high. The proposed dormer on NW elevation would be approximately 2.5m high and 2.8m wide.</p> <p>Material would generally match the existing property except for the removal of tile hanging from gables & dormers & fitting fibre cement weather board.</p>
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	To the front the property has a low brick wall. To the rear there is mature planting approximately 2m high.
SITE CHARACTERISTICS	Detached chalet bungalow constructed of brick and tile hang beneath a tile roof and is set on a large plot at the end of a cul de sac. The property has a detached single storey garage.
CHARACTER OF LOCALITY	Residential comprising properties of similar scale. To the west

are tennis courts.

RELEVANT SITE HISTORY

EP/100/68	Chalet Dwelling In Lieu Of Bungalow Already Approved	Approve 03-10-68
EP/115/68	Erection Of Chalet In Lieu Of Bungalow Already Approved Also Garage	Approve 07-11-68
EP/122/65	Erection Of Bungalow & Garage	ApproveConditionally 14-01-66
EP/78/70	Change Of Window From Original Application (Ep/115/68) Rear Elevation	Approve 04-09-70

No relevant planning history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

East Preston Parish Council object for the following reason:

The proposed dormer may well result in an unbalanced property and is out of proportion to the existing property. The proposed pitch of the garage roof seems unnecessarily steep and will look out of place. The proposed materials, in particular cladding, will be out-of keeping and contrary to the made East Preston Neighbourhood Plan. For these reasons, this council asks Arun District Council to consider refusing Planning Permission for this proposal.

3 representations have been received in response to public consultation, one objection, one support and one responding to the letter of support. The objection is summarised as follows:

1. The height of the extension will lead to a loss of light and right of light.
2. removal of the tile hanging from gable and dormers and replacement with fibre cement weatherboard is in contravention of the restrictions in the property deeds.
3. Development would be out of character with the area

The support letter considers the scheme comparable to the approval at No.2 and acceptable in the wider area

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and addressed in the conclusions below. However, matters such as requirements of legal deeds would not be a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

None

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
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 & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

[East Preston Neighbourhood Plan 2014 Policy 1](#)

Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 2

Design in Character Area One

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.

A new local plan is in preparation and is 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.

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. The examination was completed in September 2017.

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. 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.

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 relevant policies of the East Preston NP have been taken into account.

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 application site is situated within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed side extension would infill the existing gap at the side of the property from the front elevation of the house to the enlarged garage. The garage is extended in width and length although the increase in width is towards the house and retains the existing gap to the boundary of the site,

approximately 1.1m. The increase in depth and pitching of the roof of the garage would be to the rear and not visible from the road, the distance between the garage and the front boundary would remain unchanged. It is noted that the height of the garage is increased from 2.3m high flat roof to 5m although the eaves height on the side elevation would remain at 2.3m. Although the height of the garage is increased it would be set lower than the main house and the link extension would be lower again. The proposed extensions retain a large part of the garden area and would be approximately 7.3m from the rear boundary.

The proposed roof extensions involve increasing the size of an existing dormer window extension and inserting a new dormer window extension. It is accepted that the size of the dormer window in the south east elevation is large and forms a dominant feature and can be viewed from the road. The other proposed dormer on the north east roofslope is smaller and whilst visible from the street is not so visually dominant. However, having regard to the position of the property on the corner of a cul de sac it is not considered that the proposed dormer extension forms an unacceptable and unduly obtrusive feature to merit refusal of planning permission on this ground.

When considered as a whole the proposed alterations significantly alter the shape of the building. However, change is not necessarily harmful. Therefore, the extensions and alterations as a whole alter the design, scale and bulk of the original property. Furthermore, national guidance in the NPPF states "planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness." As such whilst the style of the resultant property is different and may not be subordinate to the original house and the proposed dormer extension on the south west elevation is large it is not considered, on balance, that its scale, bulk and detail is out of character or harmful within the wider area or to the host property.

The proposed materials are considered acceptable in principle however, the applicant's agent has indicated that the colour of the weatherboarding should be subject to a suitable planning condition.

Therefore, whilst there are significant changes to the existing property the proposed extensions and alterations are not considered to be unacceptably harmful to the character and appearance of the host property or the wider area.

The proposed development would have no impact to the west as it would overlook a tennis court. Likewise to the south the separation distance of approximately 7.3m to the rear boundary and 27m to the property at the rear it is considered there is no adverse impact to the amenity of occupiers of this property.

No.10 is sited to north the garage extension and northwest dormer are closest to this property. The proposed dormer window is to a wc and would be obscure glazed and this can be subject to a suitable planning condition. As such there is no loss of privacy. The garage extensions and link extension, which is to the side of the garage have no side windows therefore, this aspect of the scheme will not lead to a loss of privacy to the occupiers of No.10.

The proposed garage would be sited 1.1m from the boundary with No. 10 adjacent to the single storey garage at No.10 the house itself is further away. Whilst the ridge height is increased the eaves height is comparable to the existing garage and the roof slopes away from the boundary. It is considered that the proposed development may lead to some increase in shadow but it is not considered that this will lead to an unacceptable loss of daylight/sunlight to the neighbouring property that would be sufficient to justify refusal of permission on this ground.

There are no parking implications arising from the proposed development. However, it is considered appropriate to impose a condition to retain the use of the garage for the parking of vehicles only.

In summary, on balance the proposed development is not considered to be unacceptably visually obtrusive or prominent to merit refusal of planning permission and also it would not have an unacceptable adverse impact on the visual or residential amenity. The proposed development complies with adopted planning policy in the Arun Local Plan 2003 and the East Preston Neighbourhood Plan. As such the proposed development is therefore recommended for approval subject to the following conditions.

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 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 17-085-1a, 17-085-2, 17-085-3, 17-085-7c, 17-085-8a, 17-085-9, 17-085-10 & 17-085-11

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, excluding the cement weatherboarding, and roof of the extension 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 Details of the cement cladding including colour shall be submitted to and approved by the Local Planning Authority before development is commenced and the materials so approved shall be used in the construction of the extensions.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The dormer window on the north west elevation of the building shall at all times be glazed with obscured glass and only have a high level opening 1.7m above floor level.

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 windows (other than those shown on the plans hereby approved) shall be constructed in the north west elevations of the extensions hereby permitted which adjoins the side boundary with No. 10 Nursery Close without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 7 The enlarged garage, hereby approved shall be used as a private domestic garage for the parking of vehicles in connection with 9 Nursery Close only and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off street parking space 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.