

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

REF NO: EP/14/18/HH

LOCATION: Fernlytton
The Street
East Preston
BN16 1HT

PROPOSAL: Single storey front extension to garage to convert into habitable space & new pitched roof with small area of flat roof accommodating 2 No. sun pipes. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to replace the existing single garage at the front of this dwelling with a larger extension to provide an additional bedroom and an entrance hall. There would also be a covered open fronted porch area beneath the roof of this. The roof would be hipped back, but with no ridge and would have a flat area on top. This flat roof would allow for 2 sun pipes serving the bedroom. There would be no windows on the side of the extension facing the boundary to the north. Main openings would be a bedroom window in the front elevation, the front door and sidelights and also a side window to the hall area facing across the front of the plot southwards. Materials, doors and windows are to match the existing.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is well screened by a mixture of fencing and mature boundary hedging and trees. The are boundary trees, but the development is no closer than the existing side of the garage.
SITE CHARACTERISTICS	The site is occupied by a large detached dwelling. This has an attached single garage to the front with ridged and hipped back roof. The dwelling is of red brick, with small plain red roof tiles. There is a limited amount of white fascia treatment.
CHARACTER OF LOCALITY	The area is a residential one with a mature landscaped character. Dwelling designs and materials are varied.

RELEVANT SITE HISTORY

EP/23/58	Change Of Use From Private Dwelling To Nursing Home	Approve 11-04-58
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EP/39/50	Garage	ApproveConditionally REPORT(ODB)
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None other than that the property is in use as a single dwelling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

East Preston Parish Council raises no objection.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The Conservation Officer advises that as this proposal is some distance from the nearest Listed Building there is no comment to make.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

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 \(October 2014\):](#)

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM1	Listed Buildings

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles

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 Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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).

Policy 1, Housing in the East Preston Neighbourhood Plan applies to this proposal and includes criteria I. which states proposals will be supported, provided:

- i. the scale, density, massing, height, landscape design, layout and materials of all development

proposals, including alterations to existing buildings, reflect and enhance the architectural and historic character and scale of the surrounding buildings;

The site is also within Design Character Area 3 where Policy 4 applies. This policy states that:

Development proposals will be supported, provided the scale, density, massing, height, landscape design, layout and materials of including alterations to existing buildings, will:

- i ensure that high front garden walls or fences are avoided; and
- ii make provision for off-street car parking spaces by removing parts of roadside verges if residents so desire.

The proposal is considered to be consistent with Policy 1 and Policy 4 for reasons set out in the Conclusions section of this report.

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.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." However, in this instance there is no impact on the setting of Listed Buildings given the distance these are away from the site and the existing boundary screening.

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 policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies in the Emerging Local Plan and the Neighbourhood Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

The proposed extension is subservient to the main dwelling and has been sympathetically designed, including matching materials. The site is well screened and the extension will not be widely visible. In addition it is 16.5m from the front boundary and has a similar forward depth to the existing garage. It is not incongruous nor is it visually intrusive and there is little if any impact on the adjoining dwelling to the north.

The proposal is considered to be in accord with policies relating to design and visual amenity.

RESIDENTIAL AMENITY

The extension does not give rise to overlooking nor to privacy loss. It is not dominant visually and has little if any impact on the adjoining dwelling to the north.

LISTED BUILDINGS SETTING

Listed Buildings (LBs) in the locality are set 72m, 87m and 90m away from the site and there is intervening development. In addition, the site is well screened and the extension will not be visible in any proximity to the LBs. As such, there will be no impact on their setting and consequently no materials change to setting or harm.

CONCLUSIONS

The proposal does not give rise to unacceptable harm to visual or residential amenity, nor to the setting of LBs and is in accord with policies.

It is therefore recommended that planning permission be granted 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 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 drawing:

Drawing Number 17164/02R2 - Proposed Plans & Elevations, Including Roof Plan - Dated 29.01.2018

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 development 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 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.