

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

REF NO: EP/154/17/HH

LOCATION: 11 Worthing Road
East Preston
BN16 1AT

PROPOSAL: Rear roof extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to erect a first floor rear extension to this dwelling and this would be located above an existing ground floor rear extension. The extension would replace a substantial rear dormer presently extending across most of the rear roof plane.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low red brick wall and hedging to front at approximately 1.5 metres in height. Well established trees and hedging to rear commonly over 2m in height, as well as close boarded fencing at approximately 1.8m in height.
SITE CHARACTERISTICS	A semi-detached bungalow with brown brick elevations and a hipped roof with plain brown tiles. There is an attached garage to side which attaches to the garage of the adjoining property.
CHARACTER OF LOCALITY	Residential in character with a mixture of detached and semi-detached properties of varying styles and design. Application site is set back from Worthing Road by a grassed verge and residential access road.

RELEVANT SITE HISTORY

EP/116/14/CLP	Application for a Lawful Development Certificate for a proposed single storey extension to the side of property/rear of garage and front porch	PP Not Required 22-08-14
EP/124/14/PDH	Notification under extended permitted development rights for a large domestic extension from the rear wall by 5.06m with a height of 3.5m and an eaves height of 2.3m.	Prior Approv not req 15-09-14
EP/117/14/CLP	Application for a Lawful Development Certificate for proposed roof extensions including changing side hips to	PP Not Required 18-09-14

gables and a rear dormer window.

EP/84/14/HH	Rear extension & roof conversion including dormer windows to East & West elevations & new front porch. Resubmission of EP/46/14/HH	Refused 07-07-14
EP/46/14/HH	Rear extension and roof conversion including dormer window to East elevation and new front porch (resubmission following EP/122/13/)	Withdrawn 09-05-14
EP/122/13/	Rear extension and roof conversion including dormer windows to side elevation.	Refused 05-12-13 Appeal: Dismissed 18-02-14

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

No comments have been received from East Preston Parish Council.

1 representation has been received from the adjoining occupier of no.15 to the east objecting on the grounds that the first floor rear extension will result in overlooking, loss of privacy and light.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

No consultees.

COMMENTS ON CONSULTATION RESPONSES:

N/A

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

<u>East Preston Neighbourhood Plan 2014 Policy 1</u>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

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) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018

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.

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 within Design Character Area 2 in the East Preston Neighbourhood Plan where Policy 3 relates. This policy states:

Policy 3: Design in Character Area Two

Development proposals in Character Area Two as shown on the Proposals Map (roads outlined in red) will be supported provided their scale, density, massing, height, landscape design, layout and materials of, including alterations to existing buildings, will:

- i. maintain a consistent low building height, with no development proposal of more than 1.5 storeys ; and
- ii. where new rooms are to be created in a roof space, ensure the height of the roof is not increased and the basic form of the roof is not altered.

The proposal is not considered to be in accord with Policies 1 and 3 since it does not reflect and enhance the architectural character and scale of surrounding buildings and furthermore, it is does not maintain the basic form of the roof.

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 not to comply with relevant Development Plan policies in that it would have a materially adverse effect on the the residential amenities of the adjoining properties.

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.

COMMENTS ON SITE HISTORY

This site has been the subject of 3 previous applications for extensions which have included a first floor rear element above the existing rear extension.

EP/122/13/ was for a rear first floor extension extending outwards above the whole of the depth of the rear extension. This also included a fairly large dormer on each side. The application was refused for the following reason:

The proposed rear extension and dormer on the western roof slope does not sympathetically relate to and is not visually integrated with the host dwelling in terms of its design and form. The dormer would disrupt the balance and uniform appearance of the matching pair of dwellings (numbers 9 and 11 Worthing Road) resulting in an addition that would compromise the character and appearance of the street scene. The proposal therefore conflicts with policies GEN7, DEV19(i), DEV19(ii) and DEV19(v) of the Arun District Local Plan 2003.

An Appeal against this refusal was dismissed. The Inspector concluded that:

The proposed rear and dormer extensions would be in conflict with saved Policy DEV19 (i), (ii) and (v) of the Arun District Local Plan, originally adopted in 2003, due to not being visually integrated or subservient in relation to the existing dwelling, as well as compromising the character of the street. The proposal would also be contrary to the core planning principle of the National Planning Policy Framework that planning should always seek to secure high quality design. The design objections of East Preston Parish Council and the East Preston and Kingston Preservation Society are therefore well founded.

A further application EP/46/14/HH for a not dissimilar first floor rear extension, but with a single relatively large side dormer, was withdrawn.

The third application, EP/84/14/HH proposed a first floor rear extension of reduced depth, also including side dormers slightly reduced in size due to the depth reduction was refused for the same reason as EP/122/13/.

DESIGN AND VISUAL AMENITY

11 Worthing Road is one of a matching pair with no9 Worthing Road. There are two further identical matching pairs in close proximity to the application site on Worthing Road at numbers 3 and 5, and 17 and 19. These pairs have remained largely unaltered with subtle additions such as single-storey rear extensions to retain the matching character and balance.

The current proposal differs from those previously submitted in as much as the extension no longer has a rear gable and small rear hip and the rear of the currently proposed first floor has a completely hipped back roof. Whilst no dormers are proposed, the currently proposed extension does however increase the height of the side walls of the ground floor extension from approximately 2.5m to approximately 5m. The overall height of the rear extension is presently approximately 3.5m.

In the appeal decision for EP/122/13 the Inspector referred to the significant depth, especially at roof level of the extension which had excessive bulk and mass in the context of the modest host dwelling. He stated the extensions therefore appeared overly dominant and poorly related to the existing property.

The form and bulk of the previously submitted dormers also contributed to the detrimental effects. The noticeably bulkier roof and dormer additions would result in no.11 contrasting abruptly with the attached

property no9, where there are no comparable dormer additions or rearward projection. This unacceptable impact on the symmetry and balance of the pair of dwellings would be most readily apparent when looking from the street towards the west facing dormer projection. The unsympathetic nature of the east facing dormer would also be readily visible in the street scene. The symmetry of other paired properties in the locality remains evident. The proposal was not visually integrated or subservient in relation to the existing dwelling or the street scene. There would be no adverse impact on residential amenity.

This current application omits the side dormers and fully hips back the rear first floor roof. However, this current application also increases the height of the side walls of the present rear extension considerably. Whilst there has been some reduction in potential impact due to the revision to omit the dormers and fully hip back the rear roof plane, this is counteracted by the increase in side wall height. The proposed rear extension still has considerable mass, height and impact. The bulk of the first floor has in effect not been reduced overall, since a reduction in one area has more or less been cancelled out by an increase in another.

It is therefore considered that the revision to the design of the extension and its mass has not reduced bulk/mass to a degree where the extension proposed would not be unacceptably harmful to the visual amenities and character of the area. The extensions are not considered subservient and would not be sufficiently visually integrated into the existing dwelling in conflict with policy DEV19 of Arun District Local Plan.

The proposed rear extension would still result in a dwelling which would look out of place in the local street scene. It is of a significant size and bulk and the extension would be readily visible in the public realm and would be prominent and obtrusive in the street scene. Whilst hiping back the rear roof might be considered to reduce impact, the increase in height of the side walls effectively cancels out this reduction in impact. The revised proposal has still not overcome previous concerns on the part of the Council and the Appeal Inspector.

RESIDENTIAL AMENITY

It is not considered that the extension as currently proposed would have an overbearing impact on adjoining dwellings. The proposed side windows in the extension would have the potential to result in overlooking and privacy loss. This might however be overcome by conditions requiring them to be non-opening and obscure glazed.

PARKING

Parking would remain adequate at in excess of 2 car spaces.

CONCLUSIONS

It is considered that whilst this application is a revision and in some respects seeks to address previous concerns, it has not however overcome previous Council and Inspector concerns in relation to disrupting the balance and simple design of the matching pair of dwellings nor the adverse effect on the character and appearance of the street scene. The proposed development would still not therefore comply with policy DEV19(i) and (ii) of the Arun District Local Plan 2003. It would also not be consistent with Emerging Local Plan policies nor with policies 1 and 3 in the East Preston Neighbourhood Plan.

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

REFUSE

- 1 The proposed rear extension does not sympathetically relate to and is not visually integrated with the host dwelling in terms of design and form. The extension would disrupt the balance and uniform appearance of the matching pair of dwellings (numbers 9 and 11 Worthing Road) resulting in an addition that would have an unacceptable impact on the character and appearance of the street scene. The proposal therefore conflicts with policies GEN7(ii), DEV19(i), DEV19(ii) and DEV19(v) of the Arun District Local Plan 2003; policies 1 and 3 in the East Preston Neighbourhood Plan 2014 and policies D DM1, D DM4 and DSP1 in the Emerging Arun District Local Plan 2011 to 2031 and the National Planning Policy Framework.
- 2 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.