

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

REF NO: EP/156/17/HH

LOCATION: 28 North Lane
East Preston
BN16 1DA

PROPOSAL: Two storey side & single storey rear extensions.

SITE AND SURROUNDINGS**DESCRIPTION OF APPLICATION**

It is proposed to erect a two-storey side extension on the south side of this dwelling. This would be 6.3m wide and 6.7m in depth. The front and rear wall will be continuations of the existing front and rear wall of the dwelling and eaves height will be the same. The ridge level of the extension will be approximately 0.25m lower than that of the existing dwelling.

A rear extension of 4.05m in depth and 5.29m in width. This will be across the rear width of the existing dwelling and 0.15m from the joint boundary with no.26 which is the adjoining dwelling in this pair. The extension will have a flat roof with very small slope rearwards for water run off. The height will be 3.6m to 3.8m

No side windows or openings are shown in either extension. Materials are proposed to match the existing dwelling.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Front boundary is a low wall with some hedging. To the rear boundaries are 1.8m wooden panel fencing.

SITE CHARACTERISTICS

The site is occupied by one of a pair of semi-detached dwellings. These are rendered with brown tile roofs. The subject dwelling has a rear conservatory and front two-storey bay. There is a detached garage to the side at present. Parking to the front is capable of accommodating more than 3 cars, excluding the garage.

CHARACTER OF LOCALITY

Residential area and on this side of the road of similar pairs of dwellings in the immediate vicinity. Also bungalows and other two storey dwellings nearby. A number extended in the manner proposed in this current application.

RELEVANT SITE HISTORY

EP/9/62

Garage

Approve

REPORT(ODB)

EP/37/94	Extension to form ground floor bedroom and first floor study	ApproveConditionally 11-07-94
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None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

East Preston Parish Council raises no objection.

No representations from nearby occupiers.

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 \(2003\):](#)

DEV19 Extensions to existing residential buildings

GEN7 The Form of New Development

[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

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

Housing - General Principles

[East Preston Neighbourhood Plan 2014 Policy 5](#)

Design in Character Area Four

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 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.

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 4 where :Policy 5 applies. This policy states:

Development proposals in Character Area Four, as shown on the Proposals Map (roads outlined in yellow) 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.

(4.31 This area has been developed to a higher density than most of the Parish and is characterised by terraced and semi-detached houses. The priority is to preserve the present street scene which features low walls and open front gardens. The construction of higher front garden walls should be resisted. Residents are asked to preserve the appearance of their roads. Roadside verges can be partially removed to create parking spaces, if residents desire the change, while retaining as much greenery as possible).

The proposal is considered to be consistent with Policies 1 and 5 and also with Development Plan and National Policy.

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 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

Whilst this is considered to be a substantial two storey side extension it has something of a subservient appearance given its lower ridge level. In this sense it is in accord with policy. The proposed side

extension is also similar in appearance to others on this side of the road and in the immediate locality. Dwelling separation would be 3m between the no.28 and no.30 adjoining which also has a similar extension. The proposal would not therefore be incongruous in terms of the street scene or visually intrusive. The gap between dwellings would be reduced to 3m, but this is not considered to be unacceptable or detrimental visually. The extension to the rear is sympathetic and not generally visible, a pitched roof would increase impact on neighbour amenity.

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

RESIDENTIAL AMENITY

The proposed side extension will be approximately 1.5m from the joint boundary with no.30 and 3m from the existing 2 storey side extension to that dwelling. There are no openings in the side elevation of no.39 and none proposed in the subject extension. Overlooking and privacy loss is not therefore an issue. The extension will adjoin what is effectively a pedestrian access to the rear of no.30 and therefore will not have an impact on main amenity areas in terms of dominance in outlook or being overbearing.

The rear extension replaces a conservatory and adjoins the boundary with no.26, This does encroach into the outlook from the closest ground floor rear window of no.26 by over 2m, but the flat roof and existing fence mitigate the impact to an acceptable level. In addition the adjoining window serves a kitchen and there are other main rear windows which light the rear of this dwelling and which are unaffected. It is not considered that the proposed rear extension results in unacceptable harm to light/amenity such that refusal would be justified.

CONCLUSIONS

The proposal does not give rise to unacceptable harm to visual or amenity 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 drawings:

Proposed Site Plan - Received with Application
Proposed Ground Floor Plan & Front Elevation - Received with Application
Proposed First Floor Plan & Rear & Sides Elevation - Received with Application

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 roofs of the development hereby permitted shall match as closely as possible in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings shall be formed at first floor level in the south side elevation of the two storey side extension nor in the north side elevation of rear ground floor extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.
- 5 **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.