

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EP/16/15/HH**LOCATION:** 34 Tamarisk Way
East Preston**PROPOSAL:** Single storey extensions & two storey extension with revised external materials (resubmission following EP/141/14/HH).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2000 square metres
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and trees extend along all boundaries at over 3m in height.
SITE CHARACTERISTICS	The site comprises a residential detached property that has suffered extensive fire damage to its roof and the first floor and has left only the ground floor and main chimney largely intact. The previous property was two storeys in height with a thatched roof in the 'arts and crafts' style.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties of a sizeable nature and different styles set within spacious plots in the area.

RELEVANT SITE HISTORY

EP/97/14/HH	Re-build following major fire damage to include implementation (including amendments) of previously granted planning permission EP/75/13	Withdrawn 11-08-2014
EP/141/14/HH	Re-building following major fire damage. Proposed works to include rebuilding of first floor & roof including new plain clay tile roof finish instead of the previous thatched roof finish. Resubmission of EP/97/14/HH.	ApproveConditionally 04-11-2014

EP/141/14/HH granted planning permission for the construction of a replacement dwelling

following major fire damage.

REPRESENTATIONS

Representations received:

East Preston Parish Council

The Planning Committee of this council considered this Application at its meeting on Monday, 9th March.

The committee agreed it would raise no objections to this application.

1 x Letter of Objection:

- Loss of privacy.
- Loss of light.
- Proposal will create overshadowing.

Comments on Representations received:

Parish comments noted and concerns of neighbour acknowledged and as such the proposal was amended to move the first floor rear extension an additional 7 metres from the northern boundary which has resolved these concerns.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
Housing & General Principles
Design in Character Area One

[East Preston Neighbourhood Plan 2014 Policy 1](#)
[East Preston Neighbourhood Plan 2014 Policy 2](#)

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; Bersted; Felpham; Littlehampton; Yapton. The East Preston Neighbourhood Plan was made on the 11th March 2015 and Policies 1 and 2 are deemed to be relevant to the determination of this application.

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 policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the reinstatement of a fire damaged property. The fire has resulted in the loss of the thatched roof and caused extensive damage to the first floor level leaving only the ground floor walls and chimney largely intact. This application seeks to replace the two storey render and timber clad thatched property with a two storey rendered property with a tiled roof. The proposal includes the addition of a first floor extension to the rear of the dwelling as well as a two storey rear extension; two storey side extension; and a single storey front extension.

The dwelling prior to suffering fire damage measured 8.8 metres in height and the proposed alterations will see the height of the dwelling increase to 9 metres. The application originally sought consent for the creation of a first floor extension over the existing garage which was intended to measure 7.8 metres in height and 10.5 metres in length. The extent of this first floor extension was felt to be excessive and created an extension which was not subservient to the original dwelling and as such was in conflict with DEV19(v). However, an amendment was made to the scheme which reduced the length of this proposed first floor extension by 7 metres which resolved the concerns held by the Council in relation to this portion of the proposal.

The proposed rear and side extension to the scheme extends 5 metres from the rear of the dwelling and extends approximately 1.8 metres from the western elevation of the property. These alterations are extensive and are not deemed to be in keeping with the character and appearance of the dwelling prior to the fire damage and as such the scheme is deemed to be in conflict with policy DEV19(i) of the Arun District Local Plan.

However, the proposed design of the dwelling is not deemed to be in conflict with the existing character of the surrounding area. Which features properties of various designs and styles and as such the proposal is deemed to not be in conflict with the established character. Therefore, the proposal is deemed to be in accordance with policy GEN7(ii) and DEV19(v) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The property is established in close proximity to the northern and eastern boundaries of the site at ground floor level. It is proposed that a first floor extension will be located to the north of the dwelling above the existing rear garage extension and this extension will be located 10.45 metres from the northern boundary. This proposed first floor extension does not feature any additional windows on the northern elevation closest to the boundary and as such it is not considered to give rise to any additional overlooking, overbearing or overshadowing impacts. The windows in the eastern elevation of the first floor extension due to their function and distance from the boundary

are not considered to give rise to any adverse overlooking.

It is therefore considered that the proposal causes no adverse harm to residential amenity in conflict with policy GEN7(iv) and DEV19(iii).

CONCLUSION

It is recommended that planning permission is approved 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 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: Location & Block/Roof Plans - 1287/14/P/01A; and Floor Plans & Elevations [Proposed] - 1287/14/O/02A.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northern wall of the first 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.

- 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 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.