

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

REF NO: EP/20/17/HH

LOCATION: Karma
The Circle
Seaview Avenue East Preston

PROPOSAL: Alterations to fenestration on Eastern elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application is for the insertion of a window and door in the side elevation at ground floor level. No additional floorspace would be created as a result.
SITE AREA	616 sq.m.
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2.2 metre rendered brick wall to the eastern boundary. The proposed window and door at ground floor level in the side elevation of the applicant's property would face this wall.
SITE CHARACTERISTICS	A modern detached residential two storey property with large front and rear gardens.
CHARACTER OF LOCALITY	A residential cul de sac consisting of similar detached residential properties 200 metres from the seafront in East Preston.

RELEVANT SITE HISTORY

EP/54/95	New single house and garage	ApproveConditionally 15-11-1995
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The house was built under planning permission EP/54/95. The following condition restricts the insertion of windows or other openings is restricted within the side elevation;

CONDITION 4 : 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 east and west wall or roof slope of the building without the prior permission of the Local Planning Authority on an application in that behalf.

REASON : To protect the amenities of adjoining residential properties.

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

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

Built-up Area Boundary
The Form of New Development

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

D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

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

SD SP2 Built-Up Area Boundary
Housing - General Principles
Design in Character Area One

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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.

Policies EP1 and EP2 of the East Preston Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

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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 situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and policies 1 and 3 of the East Preston Neighbourhood Plan are also key considerations in the determination of this application.

DESIGN AND VISUAL AMENITY

The proposed insertion of an obscure glazed top hung window and the replacement of an existing window aperture with a door aperture filled by a half glazed door with obscure glass is not considered to have an impact on the visual amenity of the host property or of the street scene as it would not be visible from outside of the site.

Therefore, the proposal is considered to be in accordance with policies GEN7(ii) of the Arun District Local Plan. It is also considered that this aspect of the proposal will be in accordance with Policy 1 and Policy 3 of the East Preston Neighbourhood Plan and the East Preston Village Design Statement.

RESIDENTIAL AMENITY

The window and door would face a 2.2. metre brick wall on the boundary of the property across a 1 metre side passageway. The insertion of a window and door at ground floor level would not be considered to have an adverse impact on the sole neighbouring dwelling affected in terms of a loss of privacy. The neighbouring property to the west would have a side elevation a further 1 metre beyond the boundary wall. There are only obscure glazed windows facing the proposed new window and door which are also to be obscure glazed.

No other impacts would be envisaged as the proposed development of window and door would have no volume of their own.

The insertion of an obscure glazed window and door in the ground floor side elevation side (the proposal would otherwise constructed under permitted development rights except for the p.d restriction in planning permission EP/54/95) is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and as such is considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposed is considered to accord with relevant development plan policy and is therefore recommended for approval.

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;

Site Plan - received 10th February 2017

Proposed Floor Plan - received 10th February 2017

Proposed East Elevation - received 10th February 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 **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.