

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

REF NO: EP/21/13/

LOCATION: 1 Myrtle Grove
East Preston

PROPOSAL: Extensions and alterations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The bulk of the works will be incorporated within the existing footprint of the dwelling with the ridge height of the roof being raised by approximately 1.7 metres in order to accommodate additional first floor living space. A single-storey extension, housing a garage, will be added to the front. This will measure approximately 5.1 metres in width and project some 2.8 metres from the dwelling frontage.
SITE AREA	Approximately 1230 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site has an open frontage. The rear garden is enclosed by a mixture of approximately 1.8 metre high timber close boarded fencing and brick walling of a similar height. Additional coniferous hedging up to approximately 2.5 metres high in places.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling. The frontage has white painted render elevation walls with red brick quoins. Other elevations are finished in red brick. The roof is hipped and stepped. There are flat roof dormer windows on the front, rear and western roof slopes. The garage projects to the front of the main dwelling.
CHARACTER OF LOCALITY	The site is located on a residential road that is characterised by detached dwellings that are set back from the road. A mixture of building designs and scales can be observed. Generally, the properties are chalet style dwellings with occasional two-storey buildings present.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Awaited.

One letter of objection: Our bedroom will lose its privacy due to proposed bedroom window on the eastern elevation. There is no other window in our bedroom and blinds will need to be closed for privacy, making the room dark. At the moment our window looks out onto a sloping roof and is very private.

Comments on Representations received:

Noted. Potential overlooking, overbearing and overshadowing impacts will be assessed within the conclusions of this report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

EPDS	East Preston Village Design Statement by E P Parish Council
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

The Development Plan consists of the Arun District Local Plan.

It should be noted that the Arun District Local Plan was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 conflict with relevant Development Plan policies in that it would have an adverse impact upon the amenities of neighbouring residents, namely those occupying 3 Myrtle Grove, and the scale of the proposed extensions would be unsympathetic towards the character of the existing dwelling.

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

The proposal will be largely contained within the footprint of the existing dwelling but will significantly increase the available first floor living space through the provision of two-storey elevation walls and a new, raised roof. Although the appearance of the dwelling will be substantially altered it is noted that Myrtle Grove is not characterised by dwellings of any uniform design and scale, with a variety of bungalow, chalet style and two-storey buildings present. It is therefore considered that alterations to the appearance of the building would not necessarily be out of keeping with the character and appearance of the street.

Due to the scale of the proposed works, they will not maintain visual subservience towards the existing dwelling. Whilst it is accepted that the existing dwelling is fairly small in proportion to the site, and that there is scope for additions to be made, it is considered that the increase in size proposed is excessive and that the increase in the mass of the building will result in a substantial change to the appearance of the site, with the changes proposed being unsympathetic towards the existing building.

It is also considered that the increase in the height of the eastern elevation wall to two-storeys would have an unacceptable impact upon the amenities of the occupants of No. 3 Myrtle Grove. The wall would occupy a substantial amount of the field of vision from a bedroom window on the western elevation of that property and would therefore appear overbearing. It would also cause a significant obstruction to natural light reaching this window. Further, the proposal includes provision of a first floor east facing window, serving bedroom 5, which would look directly towards the window at the neighbouring property, resulting in a harmful level of overlooking towards that property. It should be noted that the bedroom window at 3 Myrtle Grove that would be most directly affected by the proposal is the only window serving that particular room.

It is therefore recommended that the application is refused for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 it has been deemed that its refusal would have a neutral impact 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).

RECOMMENDATION

REFUSE

- 1 The two-storey element forming the eastern elevation of the extended building would appear overbearing towards occupants of 3 Myrtle Grove, and would further detract from residential amenities by way of causing the overshadowing and overlooking of a first floor bedroom window on the western elevation of that property. This is in conflict with Arun District Local Plan Policy GEN7.
- 2 The proposed scale of the proposed extensions will substantially alter the appearance of the existing building to a degree that will be unsympathetic towards the character of the existing building. This is in conflict with Arun District Local Plan Policy DEV19.
- 3 **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 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.