

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

REF NO: EP/26/15/HH

LOCATION: 14 Tamarisk Way
East Preston

PROPOSAL: Front extension to form attached double garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The extension will measure approximately 6.7m in width, approximately 6.5m in depth and approximately 4.2m in height. It will have a rendered gabled front elevation to match existing, PVCu roller doors for a double garage and matching roof tiles.
SITE AREA	Approximately 1380 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To front, brick walling with black metal railings set on top and metal gates at approximately 2m in height. There is hedging and brick walling in places running along the front side boundaries at approximately 2m in height.
SITE CHARACTERISTICS	A detached chalet bungalow with smooth rendered elevations painted cream and a pitched roof with brown pantiles. There is an attached garage to side (west) and a front dormer clad in PVCu.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties of mixed sizes and designs set within spacious plots.

RELEVANT SITE HISTORY

EP/33/10/	Demolition of existing bungalow and erection of new detached house	ApproveConditionally 03-06-2010
EP/132/10/	Replacement single storey extension.	ApproveConditionally

		18-02-2011	
EP/61/14/HH	Front extension to form attached double garage with bedroom above.	Refused	
		13-06-2014	<i>Appealed</i>
		Appeal: Dismissed 30 01 2015	
EP/132/78	Single storey addition to rear New dining room window and formation of bathroom/dressing room to first floor	ApproveConditionally	
		13-12-1978	

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection - Because of its height, length and mass and close proximity adjacent to the western boundary, the proposed extension will have an unacceptable harmful overshadowing and overbearing effect on No. 16 Tamarisk Way in conflict with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan and policy D DM4 of the Emerging Local Plan.

Government advises local planning authorities new developments should respect local character and appearance. This council feels the proposed extension built on the boundary for a significant depth would detract from the open plan feel of the Willowhayne estate. The council feels this is contrary to policies D SP1 and D DM4 in the emerging Local Plan and to saved policy DEV19 in the 2003 Local Plan. The property in question is covered by Policy 2: Design in Character Area One of the East Preston Neighbourhood Plan which states the existing street scene should be protected the council feels this proposal would have a negative impact on the existing street scene.

There is already a relatively close spatial relationship between nos 14 and 16 Tamarisk Way, and this proposal will further erode what space there is on the western boundary. Within this spatial context, the dimensions and location of the proposed front extension are likely to have an unacceptable detrimental impact upon the residents of no 16. The proposed development compromises the spatial character and pattern of the street and would have an unacceptable impact on the appearance and setting of the area generally.

The proposed development would also have an adverse overbearing impact upon no 16 Tamarisk Way, as it is being built on the boundary for a significant depth. It is contrary to Policy D DM1 in the emerging Local Plan, which states development should have minimal impact to users and occupiers or nearby property and land. The proposal leaves too little space on the western boundary for the owners of no 16 to soften its impact in any way.

One letter of objection from the immediate neighbour - The applicant applied for planning permission in April 2014 to build a front extension to form a double garage with bedroom above (EP/61/14/HH). This was refused by ADC on 13th June 2014 and the subsequent appeal to the Planning Inspectorate was dismissed on 30th January 2015.

The ADC Planning Officer's reason for refusal was:

"The front extension by virtue of its height, length and proximity to the western boundary will have an unacceptable harmful overshadowing and overbearing effect on no. 16 Tamarisk Way in conflict with policies GEN 7 (iv) and DEV 19 (iii) of ADC's Local Plan and Policy D DM 4 of the Emerging Local Plan."

The Planning Inspector's reason for dismissal of the appeal was:

"I find the proposed development would significantly harm the living conditions of the occupiers of no. 16 Tamarisk Way with particular reference to outlook and daylight."

The current proposal (EP/26/15/HH) does not include a bedroom over the double garage and this does reduce the overall height of the extension from 6 to 4.2 m. However, all the other details are the same, ie the extension would still be built almost on our boundary and its length is still 6.5 m (greater than the gap between the rear of our property and the existing garage) so the whole gap on our boundary would be filled in by an extension 4.2 m high. The distance from the Eastern wall of our house to the Eastern boundary of our property is approx 1.2 m (not 2.5 m as quoted in the case for LPA refusal of EP/61/14).

We do not believe the reduction in height would significantly reduce the harmful impact of the extension on our living conditions as it would still be being dominating, overbearing and overshadowing. We are able to judge the effect of an extension of this height on our boundary because the existing extension is this height (but fortunately it is 6 m away from our house) and if we stand by the existing extension we know what it feels and looks like.

We spend a lot of time in the back of the house and our kitchen window is only about 2.1 m from our boundary and the view will be dominated by the extension. Our patio runs almost the length of the back of our house and the proposed extension would adjoin the East end of the patio and our patio would be dominated by the extension for the whole of its depth. At the West end of the patio is a conservatory and the view from the conservatory would be the wall and roof of the extension. Because the extension is to be built almost on our boundary it is not possible to mitigate or soften its impact on our living conditions m.

We believe the comments on spatial relationship are also relevant and that the reduction in height will have no affect on the statement that " these (variations) have given rise to a relatively close spatial relationship between nos. 14 and 16 which will be further narrowed and eroded by the proposed front extension located on the western boundary. The dimensions and location of the proposed extension would then cause unacceptable residential effects set within this spatial context. If viewed from the road from anywhere other than looking directly down our Eastern boundary the two dwelling would appear to be touching as the gap will be little more than 1.2 m.

As we believe the main consideration in considering this application is the effect on the residential amenity of no.16, we would respectfully request that ADC as the LPO reject this revised application for permission on the same grounds as before, using the arguments given by ADC's Planning Officer supported as appropriate by the comments of the Planning Inspector.

Comments made by the Planning Inspector in support of his Appeal Decision (for EP/61/14/HH) are set out below.

The Inspector said "The main issue is the effect of the proposed development on the living conditions of the occupiers of No 16 Tamarisk Way, with particular reference to outlook, daylight, sunlight and privacy."

He commented that "... The proposal would be located in close proximity to a patio area which is situated adjacent to the rear elevation of the dwelling at No 16. The rear elevation of this dwelling includes a window at ground floor level, which serves the kitchen, in close proximity to the boundary with the appeal site...

" Additionally, I note that the roof structure associated with the proposal would slope away from the boundary with No 16. Notwithstanding this, as a result of the proposal's roof height, its length and close proximity to the boundary the proposed development would have a dominating effect on the occupiers of No 16 when viewed from the patio area to the rear of this neighbouring dwelling.

" Additionally, whilst the proposal would be perpendicular to the rear elevation of the dwelling at No 16, it would be in close proximity of a ground floor window that serves its kitchen. Given the proximity of this window to the boundary of the appeal site the proposal would have an overbearing impact when viewed from the kitchen."

" ... as a result of its large scale and close proximity to No 16, the proposed front extension would have a detrimental impact on the amount of daylight that would reach the part of this neighbouring property which is situated nearest to the proposal. This adds to my overall concerns regarding the proposed development."

"For these reasons, I find the proposed development would significantly harm the living conditions of the occupiers of No 16 Tamarisk Way, with particular reference to outlook and daylight. As a result there would be a conflict with saved policies GEN7 and DEV19 of the Arun District Local Plan (2003) (LP) ... whilst LP Policy DEV19 seeks to ensure that extensions to existing residential properties do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. The thrust of one of the core planning principles within the Framework is that planning should always seek to ensure a good standard of amenity for all existing and future occupiers of land and buildings."

Comments on Representations received:

Comments with regard to unneighbourliness are agreed. Concerns in relation the impact on the street scene and visual amenity are not shared. The application follows a previous appeal when the impact on visual amenity was not considered to be a reason for refusal. The effect on visual amenity has been reduced given the reduction in height of the extension now proposed.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings

[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 2 Design in Character Area One

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policy 2: Design in Character Area is considered relevant.

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 a materially adverse effect on the residential amenities of the adjoining property of No. 16 Tamarisk Way.

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 relevant policies of the Arun District Local Plan which in this case are GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

COMPARISON WITH PREVIOUS APPEAL APPLICATION EP/61/14/HH

The previous application was for a single storey extension in the same position in relation to the boundary and the proposal extends for the same length along the boundary, but the overall height of the extension has been reduced by 1.8m. The first floor bedroom has been deleted from the proposal. The eaves height has not altered.

The Inspector commented that " that the roof structure associated with the proposal would slope away from the boundary with No 16. Notwithstanding this, as a result of the proposal's roof height, its length and close proximity to the boundary the proposed development would have a dominating effect on the occupiers of No 16 when viewed from the patio area to the rear of this neighbouring dwelling." This statement clearly illustrates that it is the combination of 3 criteria which result in harm. The alteration of only one aspect is therefore unlikely to address these concerns satisfactorily. All 3 elements individually resulted in an adverse effect on residential amenity.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a front extension containing a double garage. The proposed extension will be visually subservient to the host property by virtue of its dimensions and design including a ridge height below that of the existing roof by approximately 2.5m. The proposed materials used in the extension will match existing in order for it to acceptably blend in with the host property.

Due to the varying distances of properties to the road along Tamarisk Way, the proposed extension will also not harmfully affect the pattern of development observed in the surrounding area. The proposed extension is also considered to be consistent with the residential character of

the area and will be situated at a comfortable distance away from Tamarisk Way so as to not be unduly prominent in the street scene.

The proposal is therefore considered to be acceptable in design and visual amenity terms and so complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The front extension is situated on the western boundary for a length of 6.5m and height of 4.2m. The neighbouring property of No. 16 Tamarisk Way to the west is situated forward of the host property and means that the proposal will be in close proximity (within 1m) to the rear of this property. Despite the boundary treatment in this location comprising brick walling and hedging at approximately 2m in height, the size, height and proximity of the proposed extension to the western boundary still causes harmful overshadowing and overbearing effects on No. 16 Tamarisk Way.

The appeal Inspector stated that " whilst the proposal would be perpendicular to the rear elevation of the dwelling at No 16, it would be in close proximity of a ground floor window that serves its kitchen. Given the proximity of this window to the boundary of the appeal site the proposal would have an overbearing impact when viewed from the kitchen."

The proposed reduction in height has reduced the amount of daylight that would be lost to the adjoining neighbour's patio area. The Inspector commented that " ... as a result of its large scale and close proximity to No 16, the proposed front extension would have a detrimental impact on the amount of daylight that would reach the part of this neighbouring property which is situated nearest to the proposal. This adds to my overall concerns regarding the proposed development."

It is considered that the 1.8m reduction in ridge height has satisfactorily addressed the Inspector's concerns with regard to loss of light, but the overbearing issue resulting from the close proximity to the boundary and the length of the extension which contributes to an adverse sense of enclosure remain and result in sufficient harm to warrant refusal of the application.

It is not considered that the reduction in height alone has satisfactorily addressed the Inspector's concerns. It is therefore still considered to conflict with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

It is therefore recommended that the application be refused for the following reason

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 (the 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 neutral 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).

RECOMMENDATION

REFUSE

- 1 The front extension by virtue of its height, length and proximity to the western boundary will have an unacceptable harmful overbearing effect on No. 16 Tamarisk Way in conflict with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan and policy D DM4 of the Emerging Local Plan.
- 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.