

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

REF NO: EP/30/13/

LOCATION: 11 Kenhurst
East Preston

PROPOSAL: Rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension will be built to the full width of the dwelling and will project 2.7 metres to the rear. Its height, to roof ridge will be 3.468 metres. The southern boundary is tapered in order to run in line with the site boundary.
SITE AREA	Approximately 36 square metres.
TOPOGRAPHY	Predominantly flat but raised approximately 1.5 metres above the level of The Street, which passes alongside the northern site boundary.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mixture of walling and close boarded timber fencing with height of approximately 1.8 metres. Additional hedging in places.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two-storey dwelling which has red brick side elevations with a white painted section at the rear, up to ground floor window heads, and tile hanging above. The front elevation employs a fixture of painted rendering and weatherboarding. The roof is tiled and gable ended. A glazed lean-to extension has been added to the northern elevation.
CHARACTER OF LOCALITY	The site is located in a residential courtyard that is accessed from The Street. Surrounding dwellings within the courtyard are of a similar general appearance. The presence of flint walling alongside the street and nearby mature landscaping helps generate a semi-rural village ambience.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Permitted Development Restriction: Relates to original development and prohibits boundary treatment to the front of properties.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement by E P Parish Council

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 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

The proposed extension is a single-storey structure and will be positioned to the rear of the dwelling and will be largely obscured from view within nearby street scenes by a combination of the dwelling itself and boundary treatment. It is therefore considered its visual impact will be minimal and that it will not result in an adverse impact upon the character and appearance of the surrounding area.

The proposal is of a modest scale, particular in relation to height, and it is considered that this will ensure it maintains a visually subservient relationship towards the host building. By occupying the full width of the existing building, the proposed extension will not result in a loss of symmetry. Its pitched roof design will compliment the pitched roof of the host building, with the result being effective visual integration.

With regards to the amenities of neighbouring residents, the southern elevation of the proposed extension will flank the southern boundary of the site, shared with no. 10 Kenhurst. However, due to the modest height of the extension and the limited distance of the boundary that it will run alongside, it is not considered that it will appear overbearing or be the cause of undue levels of overshadowing. Windows and openings will face to the west and north and views from both aspects will be directed towards The Street rather than neighbouring property. As such, it is not considered they will present an opportunity for intrusive levels of overlooking.

It is therefore recommended that the application is approved, 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 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 it has been deemed that the development 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).

As such, no mitigation measures are required.

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:-

1234;
1234/01/01;
1234/01/02A;
1234/01/03A;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

SUPPLEMENTARY PLANNING GUIDANCE: East Preston Design Statement

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 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 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.