

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

REF NO: EP/31/15/HH

LOCATION: 24 Elm Avenue
East Preston

PROPOSAL: Demolition of existing double garage & construction of two storey side extension (resubmission following EP/144/14/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a 2 storey extension to the east side of the dwelling in the area of the existing garage which is to be demolished. The extension would comprise an additional room adjacent to the living room at ground floor and a bedroom and en-suite at first floor. The proposal incorporates French doors at first floor on the rear elevation. The extension measures 11m in depth, 5.7m in width and has a ridge height of 7.7m to match the existing dwelling.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Fencing/hedging to site boundaries. Corner of Elm Avenue and Kingston Lane is heavily treed.

SITE CHARACTERISTICS

Detached 2 storey dwelling. Plain tile roof and double flat roofed garage to side. Garden is well landscaped with several mature trees/bushes on the site frontage.

CHARACTER OF LOCALITY

Predominantly residential characterised by detached dwellings of varying design, many mock tudor, in spacious gardens set back from the site frontage. Verge in front of front boundary fencing.

RELEVANT SITE HISTORY

EP/144/14/HH Demolish existing detached double garage & Refused

	rebuild new two storey attached extension to side (East) elevation	04-11-2014
EP/8/68	Detached double garage store and conversion of integral garage to study	Approve 22-02-1968
EP/62/69	Ground floor bedroom and porch enclosure	Approve 20-06-1969

REPRESENTATIONS

Representations received:

East Preston Parish Council

No Objection

One letter of support - Prefer revised design to the original. Keeping the extension in line with the front wall of the existing house produces elevations which are much better proportioned. Attention has been given to the ridge line of the roof and the resultant design is in keeping with the original architecture of the house and of the street. The increase in size brings probably one of the smallest houses in Elm Avenue with just 2 bedrooms and a box room, to a well proportioned family house.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Area of Special Character

DEVELOPMENT PLAN POLICIES

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

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

The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles

PLANNING POLICY 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.

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. The site lies within Character Area of the East Preston Village Design Statement and therefore Policy 2: Design in Character Area One is relevant. It is considered that the proposal accords with this policy.

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 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 Arun District Local Plan policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

The site also lies within an area designated as an Area of Special Character. The area is characterised by dwellings of generally individual design set within an attractively landscaped area with mature planting and grass verges predominating. Policy Area 1 sets out the criteria against which the proposal will be assessed. To accord with policy, development will be expected to make a positive contribution to the special character of the area.

COMPARISON WITH PREVIOUS REFUSED APPLICATION

The footprint of the extension has been slightly reduced, but the main alteration is the revised position and front elevation treatment. The extension previously projected forward of the existing dwelling and it is now in line with the front elevation. The dormer window has been amended to provide a central glazed portion which is more in keeping with the rest of the front elevation and the roof shape has been simplified.

DESIGN AND VISUAL AMENITY

The property is located on a corner site at the junction of Elm Avenue and Kingston Lane. The application relates to a 2 storey side extension which would be constructed of materials to match the existing dwelling. The extension would be partly screened by existing vegetation but the first floor would be readily visible in the street scene. The development would be located in line with the front elevation of the dwelling and would be visually integrated into the host dwelling in terms of its position and design. It retains a significant space to the side boundary and conforms to the general spacious pattern of development in the locality which is derived from the gaps between dwellings to boundaries including site frontages and plot sizes. The street scene is formed of properties which are set back a uniform distance from the road frontages and this is no longer compromised.

In terms of its siting, design, form and scale the proposed extension now accords with policy DEV19(i) and GEN7(ii) of Arun District Local Plan and is acceptable in terms of visual amenity and impact on the character of the area. The amended design and position of the extension results in a proposal which now makes a positive contribution to the special character of the area, in compliance with policy AREA1, particularly with regard to the characteristics included in the description for the area given in the supplementary planning guidance, namely the predominance of landscaping, mature tree planting, regular building line and spaciousness. It is noted that it is

intended that the trees would be retained along the site boundaries.

RESIDENTIAL AMENITY

The extension would be adjacent to both site boundaries which adjoin highways and would not therefore result in any un-neighbourly adverse overbearing effects. It would be located 30m from the adjoining property to the west and therefore any overlooking from the proposed first floor window in the side elevation of the bedroom would not result in a material loss of privacy. The proposal therefore accords with policies GEN7(iv) and DEV19(iii) of the Local Plan.

CONCLUSION

It is therefore recommended that the application is approved subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 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

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

report

approved plans: location, site, roof, Proposals 05B, Proposals 06B and Proposals 07B.

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 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and 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 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.