

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

REF NO: EP/34/22/HH

LOCATION: 111 North Lane
East Preston
BN16 1HB

PROPOSAL: Two storey side/rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks a two-storey rear and side extension to the southern and western boundaries. The proposal includes a partial first floor extension above an existing ground floor (flat roof) extension.
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REPRESENTATIONS

Parish Council - No objection.

CONSULTATION RESPONSES RECEIVED:

None.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

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

East Preston Neighbourhood Plan 2014 Policy 4 Design in Character Area Three

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

The key policies are D DM1 and D DM4 of the Arun Local Plan. The site is occupied by a semi-detached property with front and back gardens in a mixed design area.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm,

Layout, Public art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and locality.

Policy 1 of the East Preston Neighbourhood Plan outlines the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, to reflect and enhance the architectural and historic character and scale of the surrounding buildings.

Policy 4 of the East Preston Neighbourhood Plan outlines the scale, density, massing, height, landscape design, layout and materials of development proposals in Character Area Three, as shown on the Proposals Map, including alterations to existing buildings.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, a rear extension should also not negatively impact adjoining properties in terms of privacy and overshadowing and preserve rear amenity space to at least 10.5m in depth.

DESIGN AND VISUAL AMENITY

It is proposed to extend to the rear of the host dwelling at its deepest part the extension will protrude out by 6.6m, it will run the full width of the building and the proposal encompasses an existing flat roof single storey extension. The proposal will extend to form a double gable end to the southern elevation. The host dwelling is situated on a good-sized plot which is comparable to others on the southern side of north lane. There is an irregular building line and no prominent character to the buildings in the locality.

The rear extension, by virtue of its location will not impact on the street scene and the proposal will not have a detrimental impact on the established spatial pattern, or visual amenity of the area. The proposal is subservient in term of appearance and scale by reason that the proposed two gable ends are of equal and lower heights to that of the main roof, and it will have an eaves line which continues through from the existing level. The proposal is sympathetic in style to the host dwelling due to the proposed materials and modest, largely open scale of the development.

The proposed alterations are acceptable in terms of design and visual amenity, in that they do not have any impact upon the street scene, or the established character of the site and are subservient and sympathetic to the host dwelling. Therefore, the proposal accords with D DM1, D DM4(a) (b) (e) of the Arun Local Plan, Part M of the Design Guide and Policies 1 and 4 of the East Preston Neighbourhood Plan in terms of design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

The host dwelling is situated centrally within its plot, which is a good size compared the 'cottage' style smaller host dwelling.

The proposed development will have an impact upon the residential amenities of neighbouring dwellings. The proposed extension would not protrude past the side elevations, and it would be located 3.2m from the western boundary, 21.5m from the southern boundary and 610mm from the eastern boundary. Due to the irregular spatial composition of the properties in this location, the property to the east is located further forward on its plot, the property to the west sits behind on its plot and therefore the proposed host dwelling intersects the 45-degree disallowed area for rear extensions with the property to the east (No. 109). The 45-degree rule forms part of Design Guidance so that rear extensions to detached dwellings

do not adversely affect privacy or cause harm through overshadowing. No side facing windows are present to the east elevation. It is acknowledged that the host dwelling will already overshadow the rear elevation of No.109 to the east and the increase length of the first floor at this point will increase this effect to an unacceptable degree. As such, the proposal conflicts with design guidance in that the accumulative increase of overshadowing to No 109 in the later afternoon periods will cause harm to the amenity of the occupiers of that property.

The proposed windows located to the southern elevation at first floor level will have an acute viewing angle towards the neighbours first floor windows by reason that the rear elevation of the host dwelling and the front elevation of the property to the west are almost in line with each other. There is a proposed bathroom window to the first-floor western elevation, this will be obscure glazed. All other proposed windows will be to ground floor level, where it is generally accepted that overlooking does not pose an issue. The proposal does not therefore gain any significant views of any neighbouring dwellings.

Therefore, the proposed development will be in conflict with policies D DM1 (3) and D DM4(c) of the Arun Local Plan and Part M of the Design Guide, as it will adversely affect neighbours amenity by means of overshadowing.

SUMMARY

The proposed development conflicts with policy with reference to neighbouring residential amenity and as such is recommended for refusal for the following reason.

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), 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 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

REFUSE

- 1 The proposed two storey rear extension would, by virtue of its size and siting adjacent to the

eastern boundary, result in an unacceptable loss of light and outlook to the adjoining residential properties and would have a significant negative impact on those properties to the detriment of the amenities of its occupiers in conflict with policies D DM1 (3) and D DM4 (c) of the Arun District 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 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.