EP/46/14/HH

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

REF NO: **EP/46/14/HH**

LOCATION: 11 Worthing Road
East Preston

PROPOSAL: Rear extension and roof conversion including dormer window to East elevation and new front porch (resubmission following EP/122/13/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal comprises a two storey rear extension, loft conversion of the existing roof space and dormer window on the east roof slope. An existing chimney on the eastern roof slope be removed.
SITE AREA	Approximately 477 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low red brick wall and hedging to front at approximately 1.5 metres in height. Well established trees and hedging to rear commonly over 2m in height, as well as close boarded fencing at approximately 1.8m in height.
SITE CHARACTERISTICS	A semi-detached bungalow with brown brick elevations and a hipped roof with plain brown tiles. There is an attached garage to side which attaches to the garage of the adjoining property.
CHARACTER OF LOCALITY	Residential in character with a mixture of detached and semi-detached properties of varying styles and design. Application site is set back from Worthing Road by a grassed verge and residential access road.

RELEVANT SITE HISTORY

EP/122/13/	Rear extension and roof conversion including dormer windows to side elevation.	Refused 05-12-2013 *Appealed* **Appeal: Dismissed 18 02 2014**
A/37/55	2 bungalows type Y with garages	Approve 15-07-1955

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection

The proposed design would unbalance the connected pair of buildings and the property when viewed from all sides and constitutes poor design.It would be out of keeping in the street scene . Nos 9 and 15 are unmodified bungalows. Detrimental impact on the appearance of the street scene. The bulk is barely subservient and contrary to policy and East Preston Village Design Statement. Could be overbaering on no. 15 and overlook it. Insufficient changes have been made to adress Inspector's comments.

Comments on Representations received:

Comments relating to visual amenity are agreed. Impact on residential amenity is not.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		East Preston Village Design Statement

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS	East Preston Village Design Statement

report

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 visual amenities of the locality and 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 application property is a semi-detached, single storey dwellinghouse lying within a built-up residential neighbourhood of East Preston.

PRINCIPLE OF DEVELOPMENT

The proposal is within the Built Up Area Boundary where development is acceptable in principle subject to normal development control criteria. The proposal is for a two storey rear extension, including a loft conversion with proposed dormer windows on the eastern roof slopes.

SITE HISTORY

The proposed development is a resubmission of an earlier application for a rear extension and side dormers to both roof slopes which was refused and dismissed at appeal. This proposal does not alter the size of main rear extension. The dormer to the west has been deleted, but the eastern dormer has been increased in depth and remains the same length.

VISUAL AMENITY

11 Worthing Road is one of a matching pair with no9 Worthing Road. There are two further identical matching pairs in close proximity to the application site on Worthing Road at numbers 3 and 5, and 17 and 19. These pairs have remained largely unaltered with subtle additions such as single-storey rear extensions to retain the matching character and balance.

The proposed two storey rear extension and dormer window would result in a bulky and unsympathetic addition to the dwelling which fails to appear visually integrated or subservient to the host dwelling, detrimental to the character and appearance of the property.

The proposed rear extension would be visually incongruous and out of place in the local street scene. It is of significant scale and is not well screened from the accessible public realm; the rear extension would be immediately visible when travelling along Worthing Road. This is especially relevant given the identical arrangement and balance of the host dwelling with no 9 Worthing Road. It has not been reduced in size following the previous refusal and does not therefore overcome the previous reason for refusal or the Inspector's comments. He agreed that the extension was was of excessive bulk and mass.

The proposed dormer window on the eastern roof slope would be visually obtrusive in the street scene due to the position and close proximity of number 15 Worthing Road. The Inspector commented that the dormer facing east was an unsympathetic addition and had unacceptable form and bulk and this current proposal has increased the depth and prominence of the dormer.

Given these design considerations it is considered that the proposed rear extension and dormer windows would form a visually prominent feature on the street scene, which would detract from the character of the area. It is not considered that adequate landscaping, screenig or minor design changes could mollify the proposal to such an extent as to make it acceptable in planning terms.

The dormer would be prominent and obtrusive and would disrupt the balance and simple design of the matching pair of dwellings. The dormer is therefore considered to have a deleterious effect on the character and appearance of the street scene contrary to policy DEV19(i) and DEV19(ii) of the Arun District Local Plan 2003.

The application is therefore recmmended for refusal for the following reasons:

HUMAN RIGHTS ACT

FOR REFUSAL
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 to 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 proposed rear extension and dormer on the eastern roof slope do not sympathetically relate to and are not visually integrated with the host dwelling in terms of their design and form. The dormer would disrupt the balance and uniform appearance of the matching pair of dwellings (numbers 9 and 11 Worthing Road) resulting in an addition that would compromise the character and appearance of the street scene. The proposal therefore conflicts with policies GEN7, DEV19(i), DEV19(ii) and DEV19(v) of the Arun District Local Plan 2003.

2 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 discussing those with

report

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 reasons for the refusal, approval has not been possible.