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

REF NO: EP/47/25/HH

LOCATION: 2 Willowhayne Avenue
East Preston
BN16 1PE

PROPOSAL: Demolition of existing conservatory. Construction of new single storey rear extension with roof terrace and single storey rear orangery extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

EP/49/22/HH	Erection of single storey rear extension with balcony over.	ApproveConditionally 01-07-22

REPRESENTATIONS

East Preston Parish Council - Objection, key points noted below.
- The proposed roof terrace could result in a loss of privacy for properties to the south and east of the application site. The property to the south is some distance away, the properties to the east and south-east are somewhat closer. The application appears to give no indication of any planting schemes which would reduce the loss of privacy.

East Preston & Kingston Preservation Society - Objection, key points noted below.
- Do not object to the proposed extension, but to the lack of screening on the roof terrace. As shown in the plans, it has only a low barrier, which would lead to loss of privacy and amenity to neighbours to the east, south-east and, though to a lesser extent, those to the south. We would therefore ask that this application be refused, unless conditions are imposed to provide adequate screening in perpetuity.

No representations from nearby occupiers.

Comments noted and will be addressed in the conclusions section.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Within an area with potentially high groundwater levels.

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)
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

CONCLUSIONS

SITE HISTORY

Planning application reference EP/49/22/HH was approved for the erection of a single storey rear extension with balcony over. The balcony was conditioned to have fully obscured glazing to a minimum height of 1.7m above finished floor level to its eastern and southern elevations where situated above the existing/proposed utility area. The current application is for a similar balcony; however the proposed balcony would be set in from the eastern side boundary by a greater distance than the approved, however the balcony would be deeper under the current proposal and measures approx. 4.7m (previous balcony measured approx.3.8m in depth) in total depth. A rear extension and orangery are also proposed under the current application.

DESIGN AND VISUAL AMENITY

The site is a detached dwelling located at the junction between Willowhayne Avenue and Willowhayne Crescent. Given the corner location of the site, the proposed works will be partly visible from the street scene. The application seeks permission for the demolition of existing conservatory, the construction of new single storey rear extension with roof terrace and single storey rear orangery extension.

Following the demolition of the existing conservatory, a rear extension is proposed. The extension would have a total depth of 4.8m, extending approx. 2.9m from the main rear elevation of the host dwelling. The extension would have a width of approx. 7.8m. The extension would be modest in terms of its size and scale and given that the proposed rear extension would replace an existing conservatory, it would not adversely affect the scale and massing of the building. The extension would have a flat roof with a height of 3.5m. The walls of the extension would feature brickwork and painted render. The materials partly match the existing dwelling but given its limited visibility from the street scene, they are acceptable. Whilst not a subservient addition to the host dwelling, given the siting and limited visibility of the proposed extension, the extension would not result in harm to the character or appearance of the host dwelling, street scene or wider area.

The utility room and shower area to the rear of the dwelling will be extended by approx. 1.3m in depth, in line with the existing eastern flank elevation. Given the limited depth of the extension and visibility, the proposed extension will not result in any harm to the character or appearance of the host dwelling, street scene or wider area and is acceptable.

An orangery is also proposed to the rear, constructed in line with the western flank elevation. The

orangery would measure 4.1m deep and 4m wide and consist of a glazed lantern roof. It will not appear out of place and will preserve the visual appearance and character of the property. It will retain the character of the dwelling and have minimal impact on the visual amenity of both the property, and the area. The walls of the extension would feature brickwork and painted render, the materials partly match the existing dwelling but given its partial visibility from the street scene, they are acceptable. The proposal is appropriate in terms of scale and massing for its context and will not be unduly dominant or obtrusive to the host dwelling.

Due to the form and siting of the rear extensions, some limited views of the proposed development from the public realm, as such the proposal would not result in harm to the character of the area. The proposed extension to the rear achieves good visual integration with the host dwelling, as a result of the proposed materials and sitting. By reason of an appropriate scale and that it replaces an existing structure, the extension to the rear is considered to appear subservient to the host dwelling.

At first floor level to the rear extension, a rear balcony measuring approx. 4.7m deep and 9m wide is proposed. The balcony will have balustrading for safety. The proposed balcony will be visible along Willowhayne Crescent given its first floor sitting. The balcony integrates well with the existing dwelling and is well set in from side site boundaries, it is acceptable.

Overall, the proposed development is in accordance with policies D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide (ADG).

NEIGHBOURING RESIDENTIAL AMENITY
Part M of the ADG states householder extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows.

The proposed development will not result in any significantly harmful overshadowing or overbearing impact upon the occupiers of neighbouring dwellings. This by reason that the rear extensions do not breach the 45-degree rule which the Council uses to assess loss of light and overbearing impact on neighbouring dwellings. Furthermore, a greater than 10.5m rear garden will be retained, as recommended by the ADG.

The rear extensions (family area and utility) would be set in 1.9m from the eastern side boundary, and given the spacing retained between the extension and the neighbouring properties, and the depth and height of the proposed extension, the extension would not appear overbearing or result in overshadowing to these neighbours. The rear extension (family area and utility) would feature fenestration within the rear (south) elevation. The proposed fenestration would be located at ground floor level and would have an outlook of the rear garden amenity serving the host dwelling. As such, the extension would not result in any overlooking.

The extension proposed centrally to the rear elevation would be set in from the eastern and western side boundaries and given the spacing, depth and height of the extension, the proposed extension would not result in overbearing or overshadowing impacts to neighbouring properties.

The orangery will have a total height of 3.3m. The extension will retain 7.3m to the western boundary and 14.6m to the south. Due to the spacing maintained between the proposed orangery and the site boundaries, the proposal would not result in adverse overbearing or overlooking of neighbouring properties, and as such would not result in harm to residential amenity. The orangery will include fenestration on the west, south and east elevations, and a new double door on the south elevation. The proposed fenestration would face onto the rear and side garden serving the host dwelling and will not directly overlook any neighbouring properties. The proposed extension will have no adverse impact on

residential amenity or privacy.

A balcony is proposed at first floor level, over the central rear extension. Under the previous application, the balcony was conditioned to be screened along the eastern and southern elevations were situated above the existing/proposed utility area. Within the current application, the balcony has been proposed only above the proposed rear extension. The proposed balcony will be set in from the 5.6m from the eastern side boundary and 14.6m from the rear site boundary. However, the balcony would still facilitate some views of the amenity space serving No.6 and as such, it is reasonable to condition details of screening to be installed to the eastern side of the balcony to a height of 1.7m to prevent unacceptable overlooking of the neighbour to the east. Views from the bulk of the balcony are towards the south, where there is a separation gap of 14.6m and a neighbours' garage to obscure views. No windows are proposed to the rear first floor side elevation. The balcony will have views of the park along the western elevation and will not result in any overlooking impact to the west.

The proposed extension would not harm the residential amenity of neighbouring properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

SUMMARY
The proposed development is in accordance with relevant development plan policies and as such is recommended for approval 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 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 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.

CIL DETAILS

This application is not CIL liable.

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 and elevations:

- Location and Block Plans 05.
- Proposed Ground Floor Plan 06.
- Proposed First Floor Plan 07.
- Proposed Roof Plan 08.
- Proposed Elevations 09.
- Biodiversity Enhancement Statement (received - 23-05-25).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

3 Prior to first use of the balcony hereby permitted, details of fully obscured screening to a minimum height of 1.7m above finished floor level erected to the eastern side of the balcony, shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be retained as fully obscured at a minimum height of 1.7m in perpetuity.

Reason: In the interests of protecting the privacy of neighbouring properties in accordance with Arun Local Plan policy D DM4.

4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

5 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 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.