

Recommendation Report for Prior Notification for Householder Extension

REF NO: EP/48/18/PDH

LOCATION: 21 Copse View
East Preston
BN16 1AY

PROPOSAL: Notification under extended permitted development rights for a single storey rear extension from the original rear wall by 4m with a maximum height of 3.15m and an eaves height of 2.5m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Notification under extended permitted development rights for a single storey rear extension from the original rear wall by 4m with a maximum height of 3.15m and an eaves height of 2.5m.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the property is open plan with the rear and side boundaries consisting of fencing.
SITE CHARACTERISTICS	The site is occupied by a semi detached house with a conservatory extension to the rear.
CHARACTER OF LOCALITY	The character of the area is predominately residential with properties of a similar style and design.

RELEVANT SITE HISTORY

None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

- 1 letter of objection
- Extension is out of proportion with the other builds
 - I would be the only property affected
 - It will devalue our property
 - Extension would reduce light and airspace to my dining room
 - It will be built on the party wall.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Party wall issues are a private matter and property value is not a material consideration and are not taken into account in arriving at a decision.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Article 4 direction

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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

D SP1 Design

D DM4 Extensions & Alterations to Existing Buildings

[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

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The plan was subject to consultation until 23rd February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

The relevant policies in the East Preston Neighbourhood Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 residential amenities of the adjoining properties.

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

This application relates to a single storey extension to be attached to the rear wall of the property under Prior Notification otherwise known as 'Extended Permitted Development Rights'. The Town and Country Planning (General Permitted Development) (England) Order 2015 at Schedule 2, Part 1, A.4(7) and (9) states that the Local Planning Authority shall take account of any representations received and consider the amenity of all adjoining premises.

The proposed extension will measure 4m in depth from the rear wall of the original dwellinghouse, 3.15m in height including roof lantern, with an eaves height of 2.5m.

The proposed extension will extend a further 1m into the rear garden than the extension that currently exists. As a result the neighbouring property to the east will suffer only a small additional amount of light loss. This is not considered to result in a significant impact on neighbouring residential amenity in that it

is only extending another 1m to what currently exists. The neighbouring property to the west has a similar extension and due to the separation between the properties there is not considered to be any adverse impacts to the residential amenity.

The proposed extension is to be a maximum height of 3.15m due to the roof lantern that will be installed and it should be noted that a structure can be erected in the proposed location under existing Permitted Development rights with a height up to 4m without the need for a formal planning application. As a consequence it cannot be argued that at such a proposed height there will be an unacceptable overbearing effect on the neighbouring property to the east.

The proposed extension by virtue of its position and location is not considered to give rise to any unacceptable adverse, overlooking, overshadowing or overbearing impacts and as such is considered acceptable in relation to its impact on neighbouring residential amenity and accords with policies DEV19 and GEN7 of the Arun District Local Plan.

The proposal is considered acceptable and no objection is raised in relation to the proposed application.

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 (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.

RECOMMENDATION

NO OBJECTION

- 1 For the avoidance of doubt the approved details are the 'application form', existing and proposed plans, elevations and roof plans- drg 1152.01a submitted on the 22nd March 2018.