

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

REF NO: EP/49/15/HH

LOCATION: 18 Elm Avenue
East Preston

PROPOSAL: Demolition of existing garage, lean-to & conservatory. Construction of new two storey side extension & single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission for the following:

1. A two-storey side extension to the east side of the existing dwelling. The proposed extension would be 3.5m wide and 8.85m deep, it would be the same depth as the existing dwelling. The extension would be 1.0m from the boundary with no.20 adjoining and approximately 9m from the side of the adjoining dwelling. Eaves height would be the same as the existing dwelling at 4.9m. The proposed roof would be lower than that of the existing dwelling with a maximum height of 6.6m. The existing dwelling has a hipped roof and ridge line of 9.4m. The new roof slope would surround a flat roof with roof light serving a dressing room behind this, it would give the impression of a low pitched roof to the extension. No first floor side windows are proposed and upper openings are a front bathroom window and a rear roof light to an en-suite. At ground floor, there would be a utility room with kitchen to the rear. Ground floor side openings would be a large kitchen window and utility room door. To the front there would be a utility room window.

2. The erection of single storey extension across the rear of the existing dwelling and which would continue across the rear of the side extension. 2.4m out from the main rear wall of the dwelling and have substantial areas of glazing to the rear and west side. The east side wall would not be glazed. The rear extension would have a flat roof with roof lights and a parapet wall around the flat roof.

These extensions would replace an existing single garage to the side of the dwelling and existing smaller rear conservatory. Materials proposed would match those of the existing dwelling. The dwelling size would increase from 4 to 5 bedrooms.

SITE AREA	The site area is approximately 0.13 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	The locality is a low density residential one.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is formed by a 1m wall with piers, to the rear of the western part of this wall is a hedge of some 2m in height. The west side boundary is hedge of some 2m-3m in height. The east side boundary with the adjoining dwelling is a 2m hedge to the front of the existing garage and wood panel fence to the side of the garage. there is substantial boundary planting to the rear/side and rear boundaries.
SITE CHARACTERISTICS	The site is occupied by a large detached two-storey 4 bedroom dwelling. To the east side there is a single garage which is linked to the house by a lean-to covered addition. To west there is a large detached double garage. The site is located in ac prominent corner location. externally, the dwelling is cream rendered with a red/brown plain tile hipped roof. The dwelling has first floor side windows serving bedrooms facing no.20 adjacent to the east. The adjoining dwelling has a first floor side window facing the site.
CHARACTER OF LOCALITY	The subject dwelling is located in an area of mixed house types, which is this area are generally two-storey.

RELEVANT SITE HISTORY

EP/44/75	O/A for 1 detached bungalow and garage	Refused 16-07-1975
EP/154/81	Extension of double garage	ApproveConditionally

EP/58/85	Erection of double garage	30-09-1981
		ApproveConditionally
		22-05-1985

None.

REPRESENTATIONS

Representations received:

East Preston Parish Council

East Preston Parish Council raises no objection but has commented that it is concerned at the proximity of the two-storey extension to the boundary.

No representations have been received from nearby occupiers.

Comments on Representations received:

Noted. The side extension is an acceptable distance away from neighbouring property and the imposition of a condition controlling window opening will secure acceptable residential amenity levels.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

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
	AREA1	Areas of Special Character
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary
		D DM1 Aspects of Form and Design Quality
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
East Preston Neighbourhood Plan 2014 Policy 1		Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2		Design in Character Area One

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.

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).

East Preston has a Made Neighbourhood Development Plan (NDP). This means that East Preston Neighbourhood Development Plan has been brought into legal force and forms part of the statutory plan for East Preston. Consequently, decisions on whether or not to grant planning permission in this area will also need to be made in accordance with the East Preston Neighbourhood Development Plan, unless material considerations indicate otherwise.

The wording of the relevant policies is as follows:

Policy 1: Housing - General Principles

Development proposals will be supported, provided:

- i. the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, reflect and enhance the architectural and historic character and scale of the surrounding buildings;
- ii. they meet the adopted car parking standards, whereby the amount and method of parking provision should not adversely affect road safety, or result in unacceptable levels of on-road parking demand;

iii. proposals for a change of use of a dwelling to a commercial holiday letting demonstrate that they will not harm the amenities of the local residential area; and

iv. they retain amenity land, incidental open spaces and roadside verges.

Policy 2: Design in Character Area One

Development proposals will be supported provided the scale, density, massing, height, landscape design, layout and materials, including alterations to existing buildings, will:

i. preserve the street scene and avoid any increases in density that would alter the character of the area;

ii. avoid apartment block or hotel development and other large buildings inappropriate to their setting; and

iii. protect the view from the beach.

The proposal is considered to be consistent with Neighbourhood plan 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

GENERAL

In respect of the site and locality, Elm Avenue is within an Area of Special Character which was designated in October 1996. This area is characterised by dwellings of generally individual design, several incorporating attractive mock Tudor designs. Dwellings in the main are two stories in height. It is an attractively landscaped area, with mature planting and grass verges predominating. There is a regular building line and the majority of the buildings are detached, set in their own spacious grounds. There is an appearance of low density and spaciousness about the area with space between buildings being an important feature.

The proposal does not prejudice the character of the area and can be readily accommodated on the plot without overdevelopment or undue loss of separation between dwellings. The design is

also sympathetic. The proposal is therefore considered to be consistent with policy relating to the character of the area.

PRINCIPLE

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 the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in limited change to the appearance of this dwelling. The proposal continues the existing design and height of the dwelling and is considered to be sympathetic in terms of visual appearance. The proposed rear extension has very limited impact and the side extension will enjoy good separation from the adjoining dwelling and will not result in overlooking/privacy loss.

The works proposed are therefore not considered to be intrusive visually and are generally sympathetic to the appearance of the dwelling. There is considered to be no detriment to the street scene or visual amenity generally.

It is therefore considered that the extensions/works are acceptable in visual amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

As already stated above, the extension is not considered to give rise to privacy loss to the adjoining dwelling and also enjoys satisfactory separation. It is not considered to have an overbearing or unduly dominant impact.

The proposals are not therefore considered to give rise to amenity loss to the adjoining dwelling.

The proposed development is considered not to result in harm such that planning permission ought to be reasonably withheld.

It is therefore recommended that the application be approved, 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 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

In assessing this proposal the following impacts (negative, Neutral or positive) 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 approved drawings:

921.02.c - Proposed Floor Plans, Elevations, Roof plan & Site Block Plan - Dated 26.06.14.

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 roofs of the extensions hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No windows other than those shown on the plans hereby approved shall be constructed in the east side elevation of the two storey side extension hereby permitted which adjoins the side boundary with no20 adjoining without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 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.