

REPORT UPDATE

Application No: EP/55/22/PL

Reason for the Update / Changes

Further comments received from neighbours - 1 letter of objection.

- Original application EP/41/17/PL has expired, works commenced on 7th March 2022 after the 3 years given to commence works.
- A Solicitor's letter has been presented where it is stated that works to foundations to No 4 were 'necessary repair works to the existing foundations'. These works therefore do not constitute a start date for the application.
- Arun District Council has confirmed that no planning conditions have been discharged.
- There is confusion over Building Control site visits.

Officers Comment:

The above comments have been noted. In bringing this to our attention further investigations into the reported 'repair works' were undertaken by the case officer and comments were requested from Arun Building Control, who were dealing with the Building Regulation Application. The appointed building control officer responded with the following:

'I've just revisited the photos and can confirm that the photos of the footing seen under Application EP/89/17/BR on the 24/4/2020 relate directly to the new dwelling (which will become number 5 Beechlands). This inspection was carried out remotely to comply with the Covid 19 rules in at the time, but it was all satisfactory. The footings were not a repair or necessary for the existing dwelling at number 4.'

Accordingly works to implement approval EP/41/17/PL were carried out in April 2020 before May 2020 which is when the permission expired. As such approval EP/41/17/PL is extant and the application for a variation of condition valid.

Furthermore, application EP/41/17/PL had no conditions which required discharging. Therefore no Discharge of Conditions application was required to be submitted before works commenced.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: EP/55/22/PL

LOCATION: 4 Beechlands Cottages
Beechlands Close
East Preston
BN16 1JT

PROPOSAL: Variation of condition imposed under EP/41/17/PL relating to condition 2-approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks amendments to Condition no 2 (approved plans) of EP/41/17/PL on land adjacent to 4 Beechlands Cottages. The proposed amendment to the approved plans sought is the simplification of the ground floor layout. An inset bay window to the front of the property, serving the kitchen was proposed in 2017, with an overhanging projection from a bedroom above forming the roof of the bay. It is now proposed to build the ground and first floor in line with one another, this will therefore increase the size of the ground floor by removing the inset bay and positioning an equally sized window in the external wall. The proposed increase in floor area is approx. 2 sqm.
SITE CHARACTERISTICS	The site is a block of 4 terraced 2/3 bedroomed properties. There is an unmade private access road 10 metres wide to the east side serving a block of land to the rear of a nearby parade of shops including a garage block, unmade hard standing parking areas and a small dilapidated commercial building.
CHARACTER OF LOCALITY	A residential area with a commercial shopping parade to the west. Beechlands Close is accessed from the main road, Sea Road and intersects a parade of local shops. The applicant's terraced block is just behind the parade of shops faces onto a residential street with a similar terrace block opposite and a cul-de-sac of bungalows to the east.

RELEVANT SITE HISTORY

EP/168/19/PL	1 no. dwelling & alterations to roof of existing dwelling (4 Beechlands Cottages) including the provision of new dormer to front elevation.	Refused 05-03-20
EP/41/17/PL	1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.	ApproveConditionally 25-05-17

EP/41/17/PL - permission was granted for a 3-bedroom dwelling, for which amendments to the plans are now proposed. This application was implemented in April 2020, confirmed by evidence contained within a Building Control Application, for the laying of a part of the foundations for the proposed beam and block floor, and as such is extant.

REPRESENTATIONS

East Preston Parish Council - Object

- Unbalance set of cottages.
- Building in from of existing building line.
- Leading to lack of visual integration with existing cottages.
- Cladding and position of front door will appear out of character.
- The narrowing of access driveway to rear of shops will cause larger vehicles to block main service road of shops.
- Lack of provision for amenity space.
- Concerns relating to east opening front door (on to garage access way).
- Concerns about parking provision.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised by the Parish Council relate to the provision of a new dwelling, the principle of the new dwelling has already been agreed, therefore this application will solely deal with amendments to the approved plans and no other issues.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary.

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 3

Design in Character Area Two

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans.

East Preston has a made neighbourhood plan. Housing General Principles and Policy 3 - Design in Character Area Two of the East Preston Neighbourhood Plan are considered relevant to this application.

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."

On balance, the proposal will comply with Development Plan policies. Whilst there are impacts upon the

character of the area, the proposals are the same as previously granted permission and those impacts are not so substantial as to justify a refusal of permission.

CONCLUSIONS

PRINCIPLE

The site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations are Policy D DM1 and D DM4 of the Arun Local Plan; Policy 1 of the East Preston Neighbourhood Plan (EPNP); and the NPPG and NPPF.

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 states that when considering extensions to existing buildings requires the extension sympathetically relates to and is visually integrated with, the existing building, that it is visually subservient to the main building and that it should not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

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. Part J (building Design) is of relevance to this application.

Policy 1 of the East Preston Neighbourhood Development plan seeks to ensure that development reflects and enhance the architectural and historic character and scale of the surrounding buildings and that development meets adopted car parking standards.

Policy 3 of the East Preston Neighbourhood plan ensures that scale, density, massing, height, landscape design, layout and materials of, including alterations to existing buildings, will: maintain a consistent low building height and not exceed existing ridge heights.

BACKGROUND

The principle for the proposed 3-bedroom dwelling was granted under EP/41/17/PL. This application was implemented in April 2020 when a Building Regulations application was submitted to the Local Authority for works to the foundations (in part) to support the beam and block floor, under application EP/89/17/BR. The application is therefore extant. This application seeks amendments to the approved plans only. It will not change the intensity or description of the application and all conditions which formed part of EP/41/17/PL will still be applicable.

DESIGN AND VISUAL AMENITY

The proposed amendment to the approved plans sought is the simplification of the ground floor layout. An inset bay window to the front of the property, serving the kitchen was proposed in 2017, with an overhanging projection from a bedroom above forming the roof of the bay. It is now proposed to build the ground and first floor in line with one another, this will therefore increase the size of the ground floor by removing the inset bay and positioning an equally sized window in the external wall. The proposed increase in floor area is approx. 2 sqm.

The proposed additional built form at ground-floor level will achieve visual integration as it will be built with materials which match the existing dwellings, namely flint and brick. As only a small increase to the

footprint on the ground-floor is proposed, which sits directly under that of the first floor the building line will be retained, and the extension will sit in line with the approved built form. By reason of its siting and appropriate scale the proposed development will be subservient to the host dwelling.

The alterations will be visible from the street, however the simplification in design will sit comfortably alongside the other dwellings in the terrace as inset bays are not an existing feature, as such the increase to the ground floor will not adversely affect the character of the area.

Part J.01 relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced. Additionally, policy 1 and 3 of the EPNP seek to control development so that it visually respects the sense of place. The proposed development, by reason that it is appropriately scaled, does not alter the overall bulk of the building and will be built to be visually integrated with the host dwelling and the terrace of existing cottages, accord with both policy and guidance.

In this context, the proposed development achieves an acceptable level of visual integration and a high standard of design quality and accords with policies D DM1(1) & (2) and D DM4 (a), (b) & (e) of the Arun Local Plan and policy 1 and 3 of the East Preston Neighbourhood Plan and Part J of the Arun Design Guide.

RESIDENTIAL AMENITY

Given that only 2 sqm of additional footprint is proposed to the ground-floor, which does not impact the size of either the first or second floors, and by reason that the proposed development will occur to the front of the property, no negative impact from the proposal being overbearing or overshadowing neighbouring properties will arise.

In terms of overlooking, views will be decreased from the site as the side returns to the bay window are being removed with the amendments. Furthermore, the window effected is to the ground floor and faces over the public realm, as such, no negative impact to privacy from overlooking will occur.

The development accords with policy D DM1(3) and D DM4 (c) of the Arun Local Plan.

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

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;

 - Proposed Plans and Elevations 2.02
 - Proposed Site Plan, Block and Location Plans 2.03 Rev A

 Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 2 The materials and finishes of the external walls of the alteration to the building hereby permitted shall match in colour and texture those of the existing buildings within the terrace.

 Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 3 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.
- 4 INFORMATIVE: This permission relates to the variation of approved plans of planning permission EP/41/17/PL only and does not seek to alter or discharge any of the conditions attached to the original approval which still stand.