

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

REF NO: EP/56/13/

LOCATION: 31 Upper Drive
East Preston

PROPOSAL: Single storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension will be made to the eastern elevation of the dwelling and will project 2.6 metres from the existing wall and be 5.1 metres in length. Roof top height will be approximately 3 metres.
SITE AREA	Approximately 442 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Approximately 1.8 metre high screening consisting of a mixture of timber and concrete elements.
SITE CHARACTERISTICS	The site is occupied by a gable roofed detached chalet style dwelling. A two-storey extension has been recently added to the rear and there is a flat roof dormer in the front roof slope. External finishing of elevation walls comprises a mix of painted rough render and red brick. The roof is tiled.
CHARACTER OF LOCALITY	The site is located at a junction between two residential roads which are bordered by detached dwellings of a mixture of designs and scales. Lawns and grass verging along frontages helps to create an open and spacious character and appearance as does the comfortable sizes of the plots on which dwellings are situated.

RELEVANT SITE HISTORY

EP/192/07/	First floor rear extension	Approve Conditionally 30-01-2008
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REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection. Would be further forward of the eastern building line than the existing eastern elevation and would be right up against the boundary. This would be detrimental to the visual

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amenity of the locality and the character and appearance of the established residential area, contrary to policy GEN7 of the Arun District Local Plan and paragraphs 56 and 57 of the NPPF.

Comments on Representations received:

Noted. The extension is of a modest height and will be largely screened from view within the street scene by the approximately 1.8 metre high wall/fence that delineates the eastern site boundary. The grass verge which lines the street and helps define its open and spacious characteristic of the surrounding area will not be encroached upon.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

Permitted Development Restriction: EP/192/07 Condition 3: No windows to be formed in the eastern or western elevation of the approved extension without prior approval from Local Planning Authority.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

EPDS	East Preston Village Design Statement by E P Parish Council
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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 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making

process.

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

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 Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

VISUAL AMENITY:

The proposed extension will project towards Upper Drive, which runs parallel to the eastern (side) elevation of the dwelling. However, it will be contained within the existing garden boundary treatment and will not be significantly greater than it in height. As such, it will not intrude onto the grass verging to the east of the dwelling preventing it from disrupting the rhythm of the street and, therefore, not compromising its open and spacious qualities. Further, its overall visual presence within the street scene will be minimal due to the level of screening offered by boundary treatment.

DESIGN & SCALE:

It is considered that the extension will relate sympathetically towards the existing dwelling in terms of design and scale. Its modest height will ensure that it maintains a visually subservient relationship towards the host dwelling. The eaves height of the false pitch roof of the extension will match the eaves height of the existing main dwelling roof, this will result in visual continuity that will strengthen the integration of the proposed extension towards the building as a whole.

RESIDENTIAL AMENITY:

With regards to the amenities of neighbouring residents, the extension is of a modest height and

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is positioned well away from any boundaries shared with neighbouring properties. It is therefore considered that it would not appear overbearing or have the potential to cause undue levels of overshadowing of neighbouring property. All new openings are at ground floor level and any outward views from them towards neighbouring property would be interrupted by existing site boundary treatment.

SUMMARY:

It is considered that the observations set out within this conclusion demonstrate that the proposal would not result in any unacceptable adverse impact upon either the character and appearance of the surrounding area or the amenities and neighbouring residents and is, therefore, in compliance with relevant Planning Policy.

It is therefore recommended that the application is 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 respect for 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 it has been determined that it would result in a neutral impact 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).

As such, no specific mitigation measures are required.

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:-

896-1;
896-2;
896-3;
896-SK1;
896-SK2;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls false pitch section of the roof of the extension 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 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 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.