

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

REF NO: EP/57/17/HH

LOCATION: 2 The Drive
East Preston

PROPOSAL: Demolish existing detached garage. Rebuild new single storey side (south) & rear extensions. This application also lies within the parish of Kingston.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to demolish the existing garage to the south side of the property and to construct a large wraparound ground floor extension at the side and rear projecting 3.6 metres to the side of the existing dwelling (in place of the current garage) to within 40cm of the southern boundary with Linden Lea and 8 metres to the rear of the existing dwelling house. The length of the new extension at the side would be 20.3 metres. The height of the extension at the eaves would be 2.3 metres rising to a false pitch at 3.4 metres in height, 1.6 metres from the eaves. It would also have a pyramidal roof light 1.8 metres by 3.6 metres in the centre of the northern part of the extension rising to 4.2 metres in height at the ridge.

SITE AREA

0.08 hectares.

TOPOGRAPHY

Predominantly flat

TREES

A number of small trees would be removed as a result of the development however none are considered significant with respect to amenity in the local area due to their diminutive size.

BOUNDARY TREATMENT

A 2.5 metre hedge and 2 metre close boarded fence on the northern boundary with 4 The Drive and a 2 metre close boarded fence with shrubbery rising between 2.5 to 4 metres above on the southern boundary with Linden Lea. except at the flat roofed garage on the boundary which does not rise above the fence line on the southern boundary with Linden Lea. The property has wrought iron gates & fencing and brick pillars to a height of 1.8 metres on the boundary to the front on The Drive.

SITE CHARACTERISTICS

A large bespoke designed 2 storey detached house with an attached garage on the south side of the property and driveway to the front and side. The current house has a shallow front garden/driveway with a larger back garden in excess of 20 metres long with a swimming pool in it.

CHARACTER OF LOCALITY

Within 100 metres of the beach front this residential area consists of mainly large detached houses with substantial gardens although in this immediate locality the plots are quite narrow relative to house sizes. Another key characteristic of this particular location is Linden Lea, the property immediately to the south is divided into flats. It is a large building for the plot size with a particularly shallow side garden/courtyard area between 2.2 to 4.8 metres in depth (Linden Lea is set at an angle to the boundary) along the shared boundary with 2 The Drive. The side garden/courtyard does serve some of the apartments as their primary outdoor space.

RELEVANT SITE HISTORY

EP/174/86	Formation of two bay windows	ApproveConditionally 12-01-1987
EP/114/65	Outline application for single residence and garage	ApproveConditionally 17-12-1965
EP/24/67	Detached house with integral garage	Refused 08-03-1967
EP/59/67	Detached house and garage	Approve 28-03-1967

The original house was built on the garden of a former substantial property and substantial gardens 'Borderlands' in the 1960's.

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection - Proposed extensions would be overdevelopment of the original property and too close to the southern boundary of the site (between Linden Lea and 2 The Drive) .

One letter of objection was received from the one of the occupiers of the neighbouring

apartments immediately to the south, Linden Lea who made the following objections;

- 1) Concerned regarding the encroachment of the garage on the boundary.
- 2) View of extension at the side of the property - 'All I will see is cladding'.
- 3) Pitched roof will substantially reduce light to garden of Linden Lea. Current garage at fence height.

Comments on Representations received:

Parish Council comments addressed in the conclusion to this report below.

Issue 1) raised is a private legal issue.

Issues 2) and 3) raised are addressed in the conclusions section of the report below.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u> <u>GEN7</u> <u>DEV19</u>	Built-up Area Boundary The Form of New Development Extensions to existing residential buildings
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 2		Design in Character Area One

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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).

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.

Policy NEEP2 of the East Preston Neighbourhood Plan is 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."

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

The proposal is within the built up area of East Preston and the principle of development is therefore considered acceptable in accordance with Policy GEN2 of the Arun District Plan 2003 subject to other relevant policies within the Local Development Plan.

In this case the relevant policies are considered to be GEN 7& DEV 19 of the Arun District Local Plan 2003, Policy NEEPNP 2 of the East Preston Neighbourhood Plan, the National Planning Policy Guidance and the National Planning Policy Framework.

DESIGN

The proposal is to create a large wraparound ground floor extension at the side and rear. There would be an overhang roof over the garage entrance and front door at the front measuring approximately 1.6 metre in length 50 cm forward of the front building line.

The proposed extensions would have a limited and acceptable impact on the street scene being at ground floor level and of a size subservient to the main dwelling. The extension would be viewed over a 1.8 metre wrought iron gate, set back 6 metres from the front boundary next to the attached substantial two storey property and there is substantial landscaping in the property and along the closest southern boundary.

The design is reasonably attractive using matching materials. The bulk of the extension would only be visible to private dwelling houses from the side and at the rear of the property. 4 The Drive has an extension along the boundary matching that of the 8 metre projection of the extension proposed and to the rear the separation distance to the nearest dwellinghouse would remain in excess of 20 metres away following construction. The property most affected would be on the apartments at Linden Lea however currently the boundary fence is a minimum of 2 metres high with shrubbery rising between 3-4 metres above it such that the impact would be acceptable above the boundary treatment.

As such the proposed extension would not be have a significant visual impact from any public vantage point which might cause harm to the design of the host dwelling house or character of the area. For this reason the proposed extension is considered to comply with policy GEN7(ii) & DEV 19 of the Arun District Local Plan 2003, Policy NEEPNP 2 of the East Preston Neighbourhood Plan and the National Planning Policy Framework.

NEIGHBOUR AMENITY

4 The Drive has a number of secondary windows in the south facing elevation of a recently constructed extension which would face toward the new development. There would be no material loss of privacy due to the intervening 2 metre boundary fence and given the secondary nature of

the windows (the extension is served by full length panel windows to the rear) the impact on loss of light and overbearing impact is considered to be acceptable.

As stated above the property on Linden Lea is considered to be that most likely to be affected by the proposed development. There are no windows in the south facing elevation so loss of privacy is not an issue. The proposed extension is located due north of Linden Lea so no loss of sunlight or significant loss of daylight would occur given the sun's location in the southern part of the sky year round. Finally given the existing boundary treatment up to 4 metres in height and the size of the proposed extension at 2.3 metres at eaves level just above the 2 metre fence height and below the level of the shrubbery the impact on the apartments' residential amenity would be acceptable. This is notwithstanding the fact that the rear elevation of some of the apartments' living room windows at ground floor level would be within 3.8 metres of the boundary fence. The proposed garage is to be set 40 cm from the boundary fence.

In addition under the Town and Country Planning (General Permitted Development) Order 2015 as amended outbuildings up to 2.5 metres in height could be constructed along the boundary line without planning permission. It is not considered that the impact of the proposed side and rear extensions along the southern boundary with Linden Lea would have an impact significantly above what could be constructed without the need for planning permission.

There are no other issues with regard to overlooking, loss of light or overbearing impact.

The proposal is considered to comply with policy GEN 7(iv) of the Arun District Local Plan 2003 and the National Planning Policy Framework with respect to preserving the amenities of neighbouring residential properties.

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 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 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;

Site Plan and Roof Plan and Tree Schedule received 12th April 2017
Dwg.no. Proposals 2 - Ground Floor Plan and Section dated March 2017
Dwg.no. Proposals 3 - Proposed Elevations dated March 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof tiles of the ground floor extension hereby permitted shall match in colour and texture those of the existing building.

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 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.