

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

REF NO: EP/5/20/HH

LOCATION: 15 Nursery Close
East Preston
BN16 1QD

PROPOSAL: Single storey side extension (The application may affect the setting of a Listed Building)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a single storey side extension.

RELEVANT SITE HISTORY

EP/24/17/HH	Conversion of garage to habitable accommodation & alter vehicular access	ApproveConditionally 21-04-17
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**East Preston Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXTDesignation applicable to site:
Within 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)
DSP1	D SP1 Design

HERDM1 HER DM1 Listed Buildings

SDSP2 SD SP2 Built-up Area Boundary

[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

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policies 1 and 3 of the East Preston Neighbourhood Development Plan.

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 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 3 of the East Preston Neighbourhood Development Plan sets out criteria for the design of proposals within Character Area Two. These are to ensure that a consistent low building height is protected, with no more than 1.5 storeys. Additionally, it ensures that where new rooms are to be created in a roof space, the height, or basic form of the roof will not be altered.

DESIGN AND VISUAL AMENITY

Due to the siting of the proposed development, it is not considered to result in any significantly harmful impact upon the character of the locality, as a result of its set back nature within the application site. Furthermore, the modest scale of the extension is considered to allow the proposal to appear subservient to, and well integrated with, the host dwelling. This is further helped by the proposed materials, of which will match those of the host dwelling. Therefore, the proposal is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same

act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets.

In this instance, it is considered that the proposed development does not cause harm to the Listed Building opposite the host dwelling, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan. This is due to its modest scale, and design allowing it to appear well integrated with the host dwelling.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful impact upon the residential amenities of neighbouring dwellings by way of overbearing or overshadowing impact. This is predominantly due to the aspect of the application site allowing any significantly harmful overshadowing to fall within the application site itself. The dwelling to the East of the proposal has a different orientation to that of the host dwelling, in that its primary external amenity area is to the South of this dwelling. The boundary between the proposal and the neighbouring dwelling is bordered by mature foliage and built form, and as such, this is deemed to prevent any significantly unneighbourly impact of the proposed development. Therefore, the proposal is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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

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:

- Plans and elevations as proposed - 2034/03/02 - January 2020
- Floor Plan - 2034/03/03 - January 2020

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.

- 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.