

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

REF NO: EP/72/14/HH

LOCATION: Gallic House
9 Tamarisk Way
East Preston

PROPOSAL: Extension to existing garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed extension measures approximately 1.95 metres in width by 6.4 metres in length and 4.3 at maximum height.

SITE AREA

Approximately 1255 square metres.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Low stone wall along site frontage with additional hedging and shrubbery directly behind it. The eastern side boundary is marked by an approximately 1.8 metre high brick wall.

SITE CHARACTERISTICS

The site is occupied by a detached 2½-storey dwelling that has red/brown brick elevations and a roof that is tiled and hipped. There is a catslide on the western roof slope. There are dormer windows within the front and rear roof slopes. The dwelling is currently undergoing renovation and various building works are being carried out.

CHARACTER OF LOCALITY

The site is located on a residential road that is lined by residential development which generally consists of detached dwellings of a mixture of designs and scales.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

One letter of objection: Will cause overshadowing. The windows will look directly into our living room. Large garage will have the appearance of a commercial building and will adversely affect the landscaping of the front garden. The plot is too small for extensions and the extension will make the house appear even more overbearing. The current garage is large enough for two cars. The on-going works are generating dust, mess and noise and the scaffolding has caused loss of privacy. The works to the house have adversely affected visual amenity on the street.

Comments on Representations received:

Noted. The single-storey nature of the extension combined with the screening offered by the existing brick wall boundary treatment and the fact that the extension will be built alongside a two-storey elevation will mean that there will be no significant increase in overshadowing. The plot will remain largely undeveloped and it is therefore considered to have the capacity to accommodate the extension. The increase in garage size will be modest and it is not considered that it will dominate the residential dwelling as a whole. Objections raised against the impact of the on-going building works are a civil rather than planning matter.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV19](#)
[GEN2](#)
[GEN7](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings
D SP1 Design
East Preston Village Design Statement
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement

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 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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 proposed extension will increase the size of the existing integral garage but not to the extent that it will overwhelm the dwelling or significantly alter its appearance within the street scene. The extension will not bring the built area of the site substantially closer to the road and, as such, the existing flow of the street, with houses set back within their respective plots, will be maintained. It is therefore considered that the proposal will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area.

It is considered that the proposed extension will relate sympathetically towards the existing dwelling in terms of design and scale. It is considered that the pitched roof design will compliment the existing pitched roofing over the main dwelling. The extension is considered to be of modest proportions when seen in context with the size of the existing building and, as such, visual subservience towards the host building will be maintained.

The modest height of the structure, as well as its positioning alongside a two-storey wall of the existing dwelling, will combine to ensure that no undue additional level of overshadowing towards neighbouring properties will arise. The modest height will also prevent the extension from appearing overbearing.

It is noted that the eastern facing windows on the garage will look towards a living room window at the neighbouring property, No. 7 Tamarisk Way, and that, as such, it is prudent to attach a condition requiring these windows to be obscurely glazed so as to safeguard against overlooking.

Although not part of the application, it is noted that there is a window on the east elevation at second floor level and it is considered that this window would provide invasive views towards the neighbouring property to the east. As such, it is considered that a condition requiring this window to be obscurely glazed should be added to any approval given.

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 the following impacts it has been determined that its approval will result in a neutral 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, there is no requirement for mitigation measures to be implemented.

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:-

1:1250 Location Plan;
1:500 Block Plan;
84/13/36;
84/13/37;
84/13/38;
84/13/46;
84/13/47 A;
84/13/48 A;
84/13/49 A;

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 windows on the eastern elevation of the extension and the second floor window on the eastern elevation of the main building shall at all times be glazed with obscured glass and, where less than 1.7 metres above floor level, be fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property 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.