

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EP/75/13/**LOCATION:** Little Thatches
34 Tamarisk Way
East Preston**PROPOSAL:** Renewal of unimplemented planning permission EP/48/10 for proposed first floor rear extension over existing ground floor footprint**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2014 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To the front, close boarded fencing over 1m and dense vegetation generally over 2m in height. At the rear there is close boarded fencing at approximately 1.8m in height with trees and commonly over 3m in height.
SITE CHARACTERISTICS	A two storey detached dwelling with white painted brick and tile hung elevations. The half hipped roof is thatched with a rear extension below the proposed extension.
CHARACTER OF LOCALITY	Residential area, on a residential road consisting of a mixed style of large detached properties.

RELEVANT SITE HISTORY

EP/102/05/	Proposed first floor rear extension over existing ground floor footprint	ApproveConditionally 05-10-2005
EP/48/10/	Renewal of unimplemented planning permission ref: EP/102/05/ for proposed first floor rear extension over existing ground floor footprint	ApproveConditionally 02-07-2010

REPRESENTATIONS**Representations received:**
East Preston Parish Council
No objection.

One letter of objection.

The proposed extension will abut the rear boundary fence of Marden House. The extension will be two storey and out of scale with other buildings.

Block light and deprive privacy.

Neither applicants, East Preston Parish Council or Willowhayne Residents Association have mentioned the application, the latter breaches deeds and covenants.

Comments on Representations received:

Noted.

In response to the letter of objection, the principle of a two storey extension in this location has been approved in the original planning permission EP/102/05. This application only considers whether any material change in planning circumstances has occurred since the previous permission EP/48/10. It is concluded that it has not and the structure is of an acceptable design and does not cause any adverse effects to residential amenity at a demonstrable level of harm as previously determined.

The application has been advertised in the West Sussex Gazette, by way of site notices to the front and rear and listed on the Arun website. This fulfils the obligations of the Local Planning Authority and all other bodies are outside of its control. Deeds and covenants are not controlled by planning legislation.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[DEV19](#)

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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 proposal is within the built area boundary where development is in principle acceptable.

The proposal seeks permission for the renewal of unimplemented planning permissions EP/48/10 which itself was a renewal of planning permission EP/102/05 for a first floor extension over an existing flat roof rear extension.

Since the previous planning approval EP/48/10, the South East Plan has been cancelled at the regional policy level and the National Planning Policy Framework (NPPF) adopted as national policy in 2012. Arun Local Plan policies remain the same.

DESIGN

There has been no change to the design of the extension from previous permissions EP/48/10 or EP/102/05 which were found to be acceptable in the context of the property and its associated street scene. The first floor rear extension is considered to integrate well with the host property and a condition is recommended to be placed on this permission to ensure that materials will match existing.

AMENITY

The extension is situated to the rear and is well screened by dense vegetation and so does not give rise to unacceptable loss of amenity to neighbouring properties by way of any overbearing, overlooking, overshadowing or loss of privacy.

CONCLUSION

There has been no material change in planning circumstances since the previous approval to warrant a refusal.

It is therefore recommended that the application be 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 to 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, a neutral effect has 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).

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: Location plan, Block plan and elevations (drawing number 05/2975/1) from approved plans of EP/102/05 dated May 2005.

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 and roof of the extension hereby permitted shall match in colour and texture to 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.