

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

REF NO: EP/91/15/HH

LOCATION: 7 Seaview Road
East Preston

PROPOSAL: Demolition of existing conservatory, outbuilding & lean-to extension & construction of a single storey side extension & two storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 562 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front and side boundaries of the site forward of the primary elevation consists of a low brick wall with planting. The rear and side boundaries of the site consists primarily of mature planting.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling constructed from brown brick with mock Tudor finish at first floor level and a brown tiled roof.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential with the southern side of Seaview Road consists of properties of a similar design, style and appearance to the application site. The wider area features properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

East Preston Parish Council

This councils planning committee considered this application at its meeting on Monday, 27th July 2015. The applicant, Mr Holden, was present and was allowed to discuss his application with the committee.

The committee agreed it would raise objections to the application as it felt the side dormer

(on the eastern elevation) would detract from the look of the house and also from the run of six consecutive houses with pyramidal roof designs.

For this reason, this council asks Arun District Council to consider refusing planning permission for this application.

East Preston Parish Council Comments following amendment:-

The Council's planning & licensing committee considered a revised plan for this applications at its meeting on 10th August. The applicant and agent had again been invited to attend, but on this occasion chose not to.

The committee AGREED, based upon drawings 975.02.c and p75.04.a to withdraw the objections lodged on 5th August.

East Preston and Kingston Preservation Society:-

I am commenting on this application on behalf of the East Preston and Kingston Preservation Society. The proposed alterations do not conform to the policies of the East Preston Neighbourhood Plan. It states, in para 4.16 "extensions should be designed to look as if they were part of the original design of the house. The enlarged house should not look unbalanced in appearance...."

This proposal fails to meet either condition: the larger dormer on the east side of the roof produces an excrescence that is clearly not part of the original design of the house and creates an unbalanced appearance that would be clearly visible from the street. The altered house would then differ in its appearance from the seven other similar houses in the road. Such a break in the harmonious appearance of the road would be regrettable.

Planning permission should therefore be refused for this application.

East Preston and Kingston Preservation Society (amended comments):

I am commenting on behalf of the East Preston and Kingston Preservation Society.

The amendments to the design of this proposal, deleting the eastern dormer and other roof works, remove the feature which the Society found objectionable. It does not now with to object to this application.

Comments on Representations received:

Withdrawal of objections noted following amendment to the proposal.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

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):		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 1		Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2		Design in Character Area One

PLANNING POLICY 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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton;

Rustington; and Yapton.

The East Preston Neighbourhood Plan has been made and policies 1 and 2 are considered relevant to the determination of 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

PRINCIPLE OF DEVELOPMENT

The site is situated in the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The application seeks permission for the demolition of the existing conservatory, outbuilding and lean-to and the construction of a single storey side and two storey rear extension.

The single storey side extension will be located on the western boundary of the site and have an eaves height of approximately 2.9 metres. The single storey extension will be set back from the primary elevation of the dwelling by 0.25m and extends 1.7 metres to the side of the existing dwelling and 4.2 metres to the rear of the existing dwellinghouse. The proposed single storey extension is considered to appear subservient to the host dwelling and will appear well integrated due to the use of materials which will match in appearance those used in the construction of the original dwellinghouse. Therefore, this aspect of the proposal is considered to be in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan. The property to the west of the application site is located 2 metres from the boundary with 7 Seaview Road and this will preserve the spatial character of the area in accordance with policy DEV19 (v) of the Arun District Local Plan.

The proposed two storey rear extension will extend 4.2 metres from the rear of the original dwelling at its furthest point. However, the proposal is stepped and on the eastern boundary of the site it will extend 3.25 metres from the rear of the original dwelling. The proposal will have an

eaves height of 4.4 metres with a maximum ridge height of 6.6 metres. The proposed two storey rear extension will not be visible within the street scene and will be smaller in size than the two storey rear extension approved at 5 Seaview Road. The two storey rear extension is considered to appear subservient and well integrated with the host dwelling and as such is deemed to be in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan and Policy 1 of the East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed two storey rear extension will be located 1 metres from the eastern boundary and will be level with the two storey rear extension built to the rear of 5 Seaview Road. Therefore, this aspect of the proposal is not considered to give rise to any unacceptable overshadowing or overbearing impacts.

The proposed two storey extension will be situated 1.5 metres from the western boundary of the site with the single storey element abutting the boundary. The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours to ensure that extensions do not seriously impact upon neighbours outlook or daylight. In this instance the mid point of the rear window of 9 Seaview Road has been taken and the proposal accords with this rule. Therefore, the proposal is not considered to cause a materially adverse impact on the adjoining property by reason of overshadowing or overbearing.

The proposal does not feature on windows on the eastern or western elevation of the property and as such it is not considered to give rise to any additional unacceptable overlooking or loss of privacy for adjoining properties.

It is therefore considered that the proposal complies with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

SUMMARY

It is 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 a neutral impact 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: Existing Floor Plans, Elevations, Roof Plan & Site Location Plan - 975.01; Proposed Floor Plans, Elevations, Roof Plan & Site Block Plan - 975.02.c; and Proposed Second Floor Plan, Roof Plan & Site Block Plan - 975.04.a.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy 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 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.