

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

REF NO: EP/93/14/HH

LOCATION: 12 Tamarisk Way
East Preston

PROPOSAL: Remodelling of house comprising of the removal of existing pitched roof & introduction of flat roofs together with extensions & alterations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The extensions and alterations including the introduction of a flat roof as referred to in the description comprises of a two storey front extension, a single storey side extension, a first floor rear extension above the existing lounge and a car port in front of an existing double garage.

SITE AREA

Approximately 1630 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

To front, wooden fencing at approximately 2m in height. There is wooden fencing along the front side boundaries at approximately 1.8m in height supplemented by hedging in places over 2m in height. To the rear, close boarded fencing and trellis at approximately 2m in height with continuous and dense hedging over 3m along the rear northern boundary.

SITE CHARACTERISTICS

A two storey detached property with brick elevations painted off-white and a PVCu central clad section to the front. The roof is pitched with brown pantiles. There is a double detached garage attached to the side (west) of the property.

CHARACTER OF LOCALITY

Predominantly residential in character, there are mainly two storey detached properties in the area with pitched and hipped roofs.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

East Preston and Kingston Preservation Society
Objection.

*Out of character with other houses in Tamarisk Way.

*Only other house of a similar style is No. 21 but this is set well back from the road.

*Sharp contrast in its rectangular facade most of it faced with glass to other brick or rendered facades, smaller windows and pitched roofs.

*Therefore in conflict with policy GEN7 which states that new development should respond to the characteristics of the neighbourhood and the draft Neighbourhood Plan.

Agent's comments in response to the Objection from East Preston and Kingston Preservation Society.

*Existing property is rectangular in shape and has a large of flat roof over the garage and entrance hall area. The house has a large of glass on the south elevation.

*Design Statement draws attention to the wide mixture of designs and styles found in the area and makes it attractive.

Applicant's comments in response to the Objection from East Preston and Kingston Preservation Society.

*To say that the facade would be mostly faced with glass compared to now is incorrect. The additional glass that is being created at first floor level is offset by some of it being hidden from view by the balcony. The overall change in glass area from the current look is roughly neutral.

*The scheme was discussed with neighbours at 9a, 10, 11 and 14 with no objections.

*In response to the property not sitting comfortably with its surroundings, the proposed development at Little Fosters in Tamarisk Way together with the builds either underway or recently completed at Seafield Road, South Strand and the three properties to the west end of Coastal Road and show that properties such as this can happily co-exist with houses of wildly differing designs. The height of the property is being reduced by almost a quarter so its impact will be significantly reduced.

The Agent for the application raises design points for consideration in support of the scheme.

Comments on Representations received:

RESPONSE TO EAST PRESTON AND KINGSTON PRESERVATION SOCIETY

Comments noted.

RESPONSE TO AGENT'S COMMENTS

The design of the scheme is discussed in the Conclusions section of the report.

RESPONSE TO APPLICANT'S COMMENTS: Each case is judged on its own merits and what might be appropriate in one location does not necessarily apply elsewhere. Comments regarding the design of the scheme are discussed in the Conclusions section.

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 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)

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

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

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings
East Preston Village Design Statement

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality due to its harmful design.

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for various extensions and alterations to the existing two storey detached property. The cumulative effect of these additions would be to substantially change its appearance from a traditionally designed property with white painted brick and PVCu clad elevations with a pitched tiled roof to that of a more contemporary angular form of development with a flat roof and render and natural stone elevations.

Whilst the plot is significantly sized and is considered to comfortably accommodate the scale and type of the proposed extensions and alterations, it is in the resultant angular design that each combines to form a significant departure from the spirit of the original dwelling.

The surrounding properties in this section of Tamarisk Way are traditional in their appearance

with pitched and hipped tiled roofs, in particular at Nos. 10 and 14 either side of the property and on the opposite side of the road at Nos. 7, 9, 9a and 11. In fact, the proposed form of development particularly with the introduction of a flat roof is not seen anywhere else in this section of Tamarisk Way and as such is considered to be harmfully out of character with its surroundings.

Whilst other properties are set comfortably back from the road and separated by wide grass verges and long drives, this property is in closer proximity than most and coupled with its position on a small bend in Tamarisk Way is particularly noticeable in the street scene, especially when viewed from west to east. The combination of this prominent position and the stark, alien design of development created by the extensions and alterations even though it has a lower roof height than existing would lead to a harmful appearance in the street scene and the surrounding area.

It is therefore considered that the proposal would conflict with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed extensions and additions including the two storey front extension in particular are not considered to cause any harmful residential effects. This is on account of the comfortable separation distances established between neighbouring properties especially to the sides and a form of development that is set considerably lower at ridge level by approximately 1.4m than the existing property. The proposed first floor side facing windows are comparatively small and are over 7m away to the neighbouring side boundaries. It is therefore considered that the front, side and rear extensions and alterations will not cause any adverse overbearing or overshadowing effects or any overlooking or loss of privacy.

It is therefore considered that the proposal is acceptable in residential amenity terms and so is considered to comply with policy GEN7(iv) of the Arun District Local Plan.

However, for the harmful design that is out of character with its surroundings, it is recommended that the application be refused for the following reason.

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 private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposed extensions and alterations to the property which is prominently placed in Tamarisk Way would combine to substantially alter its appearance into an angular form of development with a flat roof that is considered to be harmfully out of character with the more traditionally designed neighbouring properties with hipped and pitched tiled roofs and so would appear harmfully out of character with its surroundings and the wider area in conflict with policies DEV19(i)&(iv) & GEN7(ii) of the Arun District Local Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.