

Recommendation Report for Planning Permission

REF NO: EP/93/18/PL

LOCATION: 9 Nursery Close
East Preston
BN16 1QD

PROPOSAL: Variation of condition 2 imposed under EP/145/17/HH to change drawing number of plan drawing to reflect rebuilding of section of wall rather than retention.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To the front the property has a low brick wall. To the rear there is mature planting approximately 2m high.
SITE CHARACTERISTICS	Detached chalet bungalow constructed of brick and tile hang beneath a tile roof and is set on a large plot at the end of a cul de sac. The property has a detached single storey garage.
CHARACTER OF LOCALITY	Residential comprising properties of similar scale. To the west are tennis courts.

RELEVANT SITE HISTORY

EP/145/17/HH	Extend garage & form pitched roof over. Single storey infill extension between enlarged garage & house. Formation of enlargement to existing dormer on SE elevation & addition of pitched roof to existing dormer on NW elevation. Removal of tile hanging from gables & dormers & fitting fibre cement weather board.	ApproveConditionally 11-01-18
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This application has been submitted following approval of previous application ref: EP/145/17/HH. The previous application sought permission as described above. This application included the retention of an existing wall, which was formerly part of an existing garage, that would form part of the proposal. However upon starting the works, following approval, the applicant has found out that the wall that was to be retained was no longer suitable for retention and that it would need to be rebuilt. Hence the current application for essentially the same scheme that was previously approved albeit with the addition of a new wall in place of the wall that was previously sought for retention.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

No objection. The committee agreed unanimously it had no objections to raise against this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area.

DEVELOPMENT PLAN POLICES

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
SDSP2	SD SP2 Built-up Area Boundary

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
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2013, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The East Preston Neighbourhood Plan would apply and the relevant policies have been taken into account.

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/POLICY

The application site is situated within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The Arun District local Plan 2003 has been superseded by the Arun Local Plan 2011-2031 which was formally adopted by the Council on the 18th July 2018. It is noted that although the Arun Local Plan 2011-2031 had not been adopted at the time of approval of previous application ref: EP/145/17/HH all relevant policies were taken into account. Officers do not consider that this plan has changed significantly since the previous approval. Officers also note that the National Planning Policy Framework has also been superseded with the revised National Planning Policy Framework which was published on 24 July 2018 and consider that it has not been revised as to effect the previous approval.

Officers note that this permission seeks a variation of condition number 2 of the previously granted application ref: EP/145/17/HH as the part of the side wall of the garage that was to be retained is unsuitable for retention. There was also a discrepancy highlighted regarding the sitting of the rebuilt garage which did not match the submitted plans.

Where an application under section 73 is granted, the effect is to issue a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

In this case, the applicant has only submitted 1 plan showing the proposed ground floor plan in order to highlight that the wall, as aforementioned, is no longer to be retained but instead rebuilt. After a site visit it was revealed that this aspect of the proposal was in the correct position and in accordance with the submitted plan. All other aspects of previously granted application ref: EP/145/17/HH are to remain the same as granted.

Therefore, officers consider it appropriate to impose an informative on any grant of permission stating that all other plans apart from that replaced by the plan submitted plan ref: 17-085-7 revision d apply. Additionally, as aforementioned, notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In this case any grant of planning permission will re-impose all previous conditions except condition 4, re: details of the proposed cladding, which has been discharged under application ref: EP/75/18/DOC.

In order to make an assessment Officers will have regard to all plans submitted under previously granted application ref: EP/145/17/HH as well as the submitted plan ref: 17-085-7 revision d.

In going through all the merits below it is a material consideration that these were rehearsed in the previous application with the conclusion that the development proposed was found to be acceptable. However, by law this application is effectively treated as an application for new development.

DESIGN AND VISUAL AMENITY

The proposed side extension would infill the space between the side elevation of the host dwelling and the boundary with the neighbouring dwelling, number 10. The proposed side extension would have a separation distance of 0.4 of a metre from the finished brickwork (side elevation of the garage) to the existing chain-link boundary fence and a separation distance to the side elevation of the outbuilding (garage), at adjoining property number 10, by approximately 0.8 of a metre.

The increase in depth and pitching of the roof of the garage would be to the rear and would not be visible from the road, the distance between the garage and the front boundary would remain unchanged. It is noted that the height of the garage is increased from 2.3 metres high with a flat roof to 5 metres although the eaves height on the side elevation would remain at a height of 2.3 metres. Although the height of the garage is increased it would be set lower than that of the main house and the link extension would be lower again. The proposed extensions retain a large part of the garden area and would be set in from the rear boundary by 7.3 metres at its eastern end to 1.1 metres at the western end.

The proposed roof extensions involve increasing the size of an existing dormer window extension and inserting a new dormer window extension. It is accepted that the size of the dormer window in the south east elevation is large and would form a dominant feature that would be able to be viewed from the road. The other proposed dormer on the north east roofslope is smaller and whilst visible from the street would not be visually dominant. However, having regard to the position of the host dwelling on the corner of a cul-de-sac, it is not considered that the proposed dormers are unacceptable and unduly obtrusive

features that would warrant refusal of planning permission on the grounds of obtrusiveness.

When considered as a whole the proposed alterations significantly alter the shape of the building. However, whilst the style of the resultant property is different and the proposed dormer extension on the south west elevation is large it is not considered, on balance, that its scale, bulk and detail would not be so out of character or harmful within the wider area or the host property as to warrant refusal.

Therefore, whilst there are significant changes to the existing property, the proposed extensions and alterations are not considered to be unacceptably harmful to the character and appearance of the host property or the wider area.

As such, it is considered that the proposed dormer windows would comply with Policies D DM1 and D DM4 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY

The proposed development would have an acceptable impact to the east as it would overlook a tennis court. To the north and the rear boundary there is a separation distance of approximately 1.1 at its narrowest point and a 27 metres separation (at its closest point) to the rear elevation of the property at the rear (24 Vermont Drive). This is sufficient to prevent any unacceptable adverse impact to the amenity of occupiers of this property.

The proposed new dormer window would serve a wc and would be obscure glazed and this can be subject to a suitable planning condition. As such there would be no loss of privacy. The garage extensions and link extension, which is to the side of the garage have no side windows therefore, this aspect of the scheme will not lead to a loss of privacy to the occupiers of adjoining property number 10.

The proposed garage would be sited approximately 0.4 of a metre from the boundary with adjoining property number 10 adjacent to the single storey garage at No.10, with the host dwelling being sited further away. Whilst the ridge height of the proposed garage would be increased, the eaves height is comparable to the existing garage and the roof would slope away from the shared boundary. Therefore, it is considered that while the the proposed development may lead to some increase in overshadowing to the neighbouring property, having regard to the separation distances and its location next to an existing neighbouring garage, it would not be sufficient to justify refusal of permission on this ground.

Officers consider that the proposal would not have an unacceptable detrimental impact on the occupiers of adjoining and neighbouring properties with regard to, overlooking, overshadowing, overbearing effect and loss of light/sunlight.

As such it is considered that the proposal would comply with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan 2011 - 2031.

PARKING AND HIGHWAY SAFETY

The Council has adopted the SPG - Parking Standards Arun District 2000 along with Policy T SP1 of the Arun District Local Plan 2011-2031. Development proposals should comply with the appropriate guidance as set out within these documents.

From an assessment the proposal it would adhere with the West Sussex County Council guidance on parking provision. Therefore it is considered that the proposal would not have a detrimental impact on

parking and highway safety. However, it is considered appropriate to impose a condition to retain the use of the garage for the parking of vehicles only.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan 2011-2031

SUMMARY:

This application aims to keep the proposal the same as that previously granted under application ref: EP/145/17/HH, except rebuild part of the side wall of the garage, facing number 10, rather than seek to retain a section of the existing wall. Having regard to this and the above assessment, it is considered that the proposal, incorporating the new section of wall, would not have an unacceptable detrimental impact on the occupiers of neighbouring properties and the wider area. Therefore it is considered that the proposal should be granted 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

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.

SECTION 106 DETAILS

Enter Summary of Details of the Section 106

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:

17-085-7 Rev D as submitted with this application and:

17-085-1a, 17-085-2, 17-085-3, 17-085-8a, 17-085-9, 17-085-10 & 17-085-11 as submitted as part of application ref: EP/45/17/HH.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls, excluding the cement weatherboarding, 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 D DM1 and D DM4 of the Arun Local Plan.

- 4 The dormer window on the north west elevation of the building shall at all times be glazed with obscured glass and only have a high level opening 1.7m above floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1, D DM4 of the Arun Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed in the north west elevations of the extensions hereby permitted which adjoins the side boundary with No. 10 Nursery Close without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies , DM1, D DM4 of the Arun Local Plan.

- 6 The enlarged garage, hereby approved shall be used as a private domestic garage for the parking of vehicles in connection with 9 Nursery Close only and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off street parking space in accordance with policies T SP1 & D DM1 of the Arun Local Plan.

- 7 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.

- 8 INFORMATIVE: It should be noted that this application makes amendments to Condition number 2 (Plans Condition) of previously granted application ref: EP/145/17/HH. The submitted plan ref: 17-085-7 Rev D replaces Plan number 17-085-7 Rev C of previously granted application ref: EP/145/17/HH.

It should also be noted that following plan numbers of previous application ref: EP/145/17/HH:

17-085-1a, 17-085-2, 17-085-3, 17-085-8a, 17-085-9, 17-085-10 & 17-085-11 should also be read in conjunction with this approval.