

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EP/95/14/HH**LOCATION:** 91 North Lane
East Preston**PROPOSAL:** Demolition of existing garage (front), side entrance & toilet (single storey) & rear conservatory. New single storey garage & front porch. Single storey extension to west elevation & single & double storey rear extension. Resubmission of EP/144/13/**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 500 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wooden fencing and hedging to front at over 2m in height. Close boarded fencing at approximately 1.5m in height along the front side (east) boundary and hedging and trees along the side (west) boundary. Close boarded fencing at approximately 1.8m in height to the rear.
SITE CHARACTERISTICS	A two storey semi-detached property with smooth rendered elevations painted white. The roof is pitched with slate roof tiles. There is a detached garage lying forward of the property. A PVCu conservatory with a brick base is situated on the rear elevation of the property.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey semi-detached and detached properties in the road.

RELEVANT SITE HISTORY

EP/31/00/	Conservatory on rear elevation.	ApproveConditionally 26-05-2000
EP/144/13/	Demolish existing conservatory & erect 2	Withdrawn

storey side & rear extension. New traditional front porch. Demolish existing garage & construct new carriage house & workshop to the front driveway 24-01-2014

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

Two letters of objection

*Significant reduction in light and view from bedroom windows and lounge into no. 89 North Lane.

*Impact on light and overlooking to the single storey annexe at 89a North Lane.

*Inaccurate plans as 89a is not shown to its full length which is approximately 9m and a single storey building with windows all the way down the side facing the proposed extension next door.

*Object to the double height wall, its proximity to the boundary and the overhang of the roof.

*Whilst acknowledging that the design of the resubmitted application takes account of previous objections, there is concern about the effect of the two storey extension on loss of light to no. 93 North Lane and particularly the east-facing bedroom windows.

*The single storey extension will have an impact on the character of the patio area at no. 93.

*If the proposal is accepted, the Party Wall Act will be invoked.

Letter from the applicant in response to the letters of objection.

*Discussed scheme with objectors.

*Regarding light and overlooking issues raised, the rear windows of the property already overlook the extension at no. 89 and there will be no windows in the east-facing elevation of the extension.

*In terms of any light impact on the lounge and the extension at no. 89, there is currently a brick wall between the properties which is approximately 2.75m high and extends 3m out from the rear wall of the property and there is also a 6ft fence running the length of the boundary past the end of the extension at no. 89. This creates a passageway between the fence and the extension at no. 89 which means the west facing wall and windows of the extension, as well as the patio doors to the lounge are in shade for the entire day other than when the sun is due south.

Comments on Representations received:

Comments noted. In response to the letters of objection, the applicant has successfully addressed their main points. The Party Wall Act is not part of planning legislation and as such forms a separate matter. The extensions are considered acceptable in residential amenity terms and on the neighbouring properties of nos. 89 and 93 for the reasons set out 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.

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).

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 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 are considered to be mainly policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a two storey rear extension and single storey side extension on the property, a portion of which will extend to the front and will be the only change to

the property visible from the road. A detached garage forward of the property will replace an existing garage and there will be block paved hardstanding at the front, side and rear.

This application forms a resubmission of previously withdrawn application EP/144/13 and principally differs by substantially reducing the bulk and mass of the two storey rear extension. The rear extension is now considered to relate sympathetically to the host property including a roof pitch that is set well below the existing ridge level and ensures the structure is visually subservient. An existing single storey PVCu conservatory will be demolished to make way for the proposed extension and so development, at least in part, has been established in this portion of the site.

The rear and side extensions will be built from matching wall render and with slate roof tiles to ensure that they will acceptably blend in with the host property. No. 89 immediately adjoining the property has a single storey rear projection of a substantial length and so the rear extension will not appear out of character with its surroundings which is predominantly residential.

In respect to the proposed garage, there are a number of detached garages situated forward of dwellings in North Lane and on the same side of the road as the application site, most notably at nos. 87 and 89. It is therefore considered that the detached garage will not appear harmfully out of character with its surroundings. An existing garage closer to the property will be demolished through this proposal so that the front garden is not taken up with such development. In order to soften the appearance of the detached garage, a condition requiring the retention of the existing hedge/tree screening to the front and additional proposed landscaping to the front is proposed with the recommendation.

The block paving is considered acceptable as it is by its nature suitably free-draining and due to being made from a porous material is likely to be Permitted Development anyway.

It is therefore considered that the proposal is acceptable in design terms and so complies with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The two storey rear extension despite its size at approximately 4.6m to eaves level will not cause any unacceptable adverse effects on the adjoining property of no. 89 by virtue of the neighbouring windows being adequately stepped in and a substantially long single storey annexe which already creates a significant departure to its development form. The existing PVCu conservatory comes just below first floor level with a brick wall section above and means that the proposed extension will not be substantially above this level before the roof slopes away from the eastern boundary. There will also be no windows in the side (east) elevation or roof slope that could face on to no. 89. The proposed Juliette balcony at first floor level will not have the capacity to be stood on due to minimal depth and so it will not give rise to any unacceptable overlooking on to this neighbouring property. It is therefore considered that there will be no harmful overbearing or overshadowing effects or any unacceptable overlooking or loss of privacy.

In terms of the neighbouring property of no. 93 to the west, the two storey rear extension will be acceptably distanced away to alleviate any harmful overbearing effects. A pair of windows at first floor level in the side (west) elevation will substitute a single window in broadly in the same location and as such will not cause harmful overlooking over and above existing levels. A smaller window is also proposed at first floor level in this side elevation but has been annotated on the

plans as being obscured glazed. However, it is proposed that a condition be imposed to ensure that this window is obscured glazed and fixed shut and shall remain so in perpetuity to protect the amenities of no. 93. Other windows being proposed will be at ground floor level where they will be largely screened by the close boarded fencing at approximately 1.8m in height forming the boundary treatment between the property and no. 93.

The side extension is single storey in nature and at approximately 2.8m in height to the eaves level will appear when viewing the structure from no. 93m as being approximately a metre above the fence level before the roof slopes away. This is considered to be acceptable and will not cause any harmful overbearing or overshadowing effects.

The proposed garage will be situated approximately 6.5m away from the neighbouring property of no. 89 North Lane to the east. This is considered to be a sufficient distance away so as to not cause any overbearing or overshadowing effects. Despite its close proximity to the eastern boundary at approximately 0.2m, the height to roof level at approximately 2.3m in height will not be significantly above the boundary fence line at approximately 1.8m in height and with trees and a detached garage at no. 89 nearby will combine to mitigate any adverse effects that may arise.

It is therefore considered that the proposal is acceptable in residential amenity terms and so complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

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 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: Location plan, drawing number PL111 (Proposed site plan) dated 14-06-2014, PL0109 Rev A (Site plans and elevations of garage block) dated May 2014, PL01018 (Plan view and ground and first level) dated May 2014, PL0107 (Proposed elevations) dated May 2014, PL0110 (Elevations perspective view) dated May 2014, 0205 (Proposed garage) dated July 2014 and 0202 (Proposed elevations) dated July 2014.

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 side and rear extensions and the detached garage hereby permitted shall match in colour and texture to 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 The smaller window on the side (west) elevation of the property at first floor level shall at all times be glazed with obscured glass and fixed to be permanently non-opening and shall be retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority details of the landscaping to be planted in the north-east corner of the site in front of the detached garage hereby approved. The details so approved shall be carried out in the first planting season following the completion of the development and shall be retained at all times thereafter.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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.