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

REF NO: **EP/96/12/**

LOCATION: 10 Vicarage Lane
East Preston

PROPOSAL: Single storey rear extension with pitched roof, to form kitchen & dining area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGROPHY	Predominantly flat
TREES	Large mature trees to north of site, however these would be unaffected by the proposed extension.
BOUNDARY TREATMENT	Open to front of site. Timber fencing enclosing side and rear boundaries to a height of 1.7 metres.
SITE CHARACTERISTICS	Detached 2 storey dwelling, red brick elevations and shallow gable concrete tiled roof. Attached double garage.
CHARACTER OF LOCALITY	Residential locality, sited at the end of a cul-de-sac. Characterised by 2 storey detached properties of a similar design and scale.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Engineering Services Manager

Consultations responses received:

Drainage Engineers:

Proposals should not increase flood risk to any other property if adequate drainage is present. Surface water drainage must follow the hierarchy of disposal as set out in the Building Regulations Document H. Ground water tables can be high in many parts of East Preston so

some ground water monitoring and percolation testing will be required to support any soakaway design.

Condition requested.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS	East Preston Village Design Statement by E P Parish Council

POLICY COMMENTARY

PLANNING
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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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

The proposal is for a single storey extension to the side and rear of the property. This Council has adopted the 45 degree rule for the determining of Planning Applications to the rear of properties to ensure that extensions do not seriously affect a neighbour's outlook or daylight. In this case, the proposal complies with the 45 degree rule given the orientation and distance that the extension would maintain from the neighbouring property.

As such, there would be no undue adverse effect on the amenity of neighbouring sites by reason of overshadowing or overlooking. It is considered therefore that this proposal is acceptable from a neighbouring amenity point of view.

From a visual consideration of the extension, the proposal being largely to the rear of the site and being of an appropriate design and scale means, there will be no adverse effect on the visual amenities of the locality.

It is recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

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:

Drawing No.s 12/25; 12/25.E.; 12/25/1;
Elevations as existing.

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 those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies DEV19 and GEN7 of the Arun District Local Plan.

4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19

NATIONAL POLICIES: NPPF

SUPPLEMENTARY GUIDANCE: East Preston Village Design Statement

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.