

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

**REF NO:** EP/97/12/

**LOCATION:** 2 Elm Avenue  
East Preston

**PROPOSAL:** Side two storey extension, front dormer, and front porch .

**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                                                                                             |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above. It should be noted that the garage and timber cladding to the dormer and gable ends have been removed from the proposed development.                                                                                                              |
| SITE AREA                   | n/a                                                                                                                                                                                                                                                         |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                                                                         |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                                                                                                                          |
| TREES                       | None of any significance affected by the proposed development.                                                                                                                                                                                              |
| BOUNDARY TREATMENT          | Mature hedging to front boundaries, 2-3 metres in height. Rear of the site enclosed by various timber fencing and supplemented in places by hedging.                                                                                                        |
| SITE CHARACTERISTICS        | Detached 2 storey property, render and red brick elevations. Gable red tiled roof with 3no. flat roof dormers to the front roof slope and 1no. dormer extending across the rear of the building. Outbuilding to west side of dwelling and car port to east. |
| CHARACTER OF LOCALITY       | Residential, mix of detached properties within the locality which vary in scale. Plot sited at junction of Elm Avenue and North Lane.                                                                                                                       |

**RELEVANT SITE HISTORY**

None

**REPRESENTATIONS**

**Representations received:**

East Preston Parish Council

This council wishes to support the comments that have been submitted separately by the East Preston & Kingston Preservation Society, namely: Two features of this proposal are contrary to the policies of the Arun Local Plan and the guidelines of the East Preston Village Design Statement:

1. The position of the new garage, close to the road and ahead of any existing buildings in

the road, would conflict with policy GEN7, because it does not respond positively to the characteristics of the site; with policy DEV19, because it affects the spatial character and pattern of the street; and with the guidance concerning the Elm Avenue Area of Special Character, which emphasises the importance of the regular building line in the area.

2.The use of shiplack cladding on the new garage and the facade of the house. This material is not used on any other building in the road, and its introduction would be contrary to policy DEV19, because the extension would not be visually integrated with the existing building in materials, while the use of this material on the extension and garage would compromise the pattern of the street; and the use of this material would also be contrary to the guidelines of the East Preston Village Design Statement, which emphasises that materials in new buildings should harmonise in both colour and texture with those in existing buildings in a road.

For these reasons, this application should be refused.

It is agreed that with the garage omitted, and the materials used on the house being brick and rendering to match the materials on adjoining houses that the proposal would be acceptable.

1 Letter of Objection from East Preston and Kingston Preservation Society:  
As per Parish Objection above.

**Comments on Representations received:**

Comments noted. The part of the development concerned, namely the cladding and detached garage have been removed from the development. As such the remaining development can be considered under delegated powers.

**CONSULTATIONS**

Engineering Services Manager

**Consultations responses received:**

None

**Comments on Consultation responses:**

None

**POLICY CONTEXT**

Designation applicable to site:  
Within the built-up area boundary  
Class C Road  
Public Right of Way

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan: [GEN7](#)  
[DEV19](#)

The Form of New Development  
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**

### **PRINCIPLE**

The application seeks permission for a 2 storey side extension to the west elevation, a replacement dormer to the front roof slope and front porch. The site is located within a residential area forming part of the built-up area boundary.

#### **CHARACTER OF LOCALITY**

The design of the extensions would produce a property which is well balanced as well as removing an unsympathetic flat roof dormers to the principal elevation of the dwelling. The dwelling would sit comfortably on its plot and would not appear as over-development. Roof heights in the street rise and fall in what is an area defined in character by a variety of property types and whilst the extensions proposed would increase the scale and alter the appearance of the dwelling they are considered to be visually integrated and subservient to host dwelling.

#### **RESIDENTIAL AMENITY**

The proposed two storey side extension would maintain a minimum distance of 2.6 metres from the shared western boundary of the site. This distances is considered sufficient to prevent any unacceptable loss of amenity to the neighbouring by way of an overbearing affect or loss of light.

The 1st floor windows proposed would to the front and rear elevations would be similar to those on the existing building. The 1st floor window to the western elevation is to restricted to be obscure glazed; as such the proposed windows are not considered to give rise to overlooking of neighbouring properties to that existing. The proposed balcony would be enclosed and would not therefore give rise to overlooking of neighbouring sites.

#### **SUMMARY**

The proposed extensions are considered to be acceptable in terms of design and scale. Whilst the appearance of the dwelling would be altered the extensions are considered to be a marked improvement to the appearance of the host dwelling and the varied street scene. Further, the extensions are not considered to result in unacceptable loss of amenity to neighbouring properties given their orientation, subject to to suitable conditions and the scale of development close to shared boundaries.

It is therefore 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:

1:1250 Plan (DS/04/BH); Site Plan 1:500 (DS/05/BH); Proposed Plans/Elevs (DS/01/BH); Existing Plans/Elevs (DS/01/BH); Existing Roof (DS/06/BH); Proposed Roof (DS/07/BH); Section 1 (DS/09/BH); Section 2 and 3 (DS/08/BH).

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 extensions 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 The window at 1st floor level hereby approved on the western elevation of the dwelling shall at all times be glazed with obscured glass.

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