

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EP/98/15/HH**LOCATION:** 34 Tamarisk Way
East Preston**PROPOSAL:** New first floor balconies to south elevation.
& extension to the first floor north elevation (resubmission following EP/59/15/HH).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2000 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and trees extend along all boundaries at over 3m in height.
SITE CHARACTERISTICS	The site originally comprised a residential detached property that has suffered extensive fire damage to its roof and the first floor and has left only the ground floor and main chimney largely intact. The previous property was two storeys in height with a thatched roof in the 'arts and crafts' style.
CHARACTER OF LOCALITY	Residential in character, consisting primarily of two storey detached properties of a sizeable nature and different styles set within spacious plots.

RELEVANT SITE HISTORY

EP/141/14/HH	Re-building following major fire damage. Proposed works to include rebuilding of first floor & roof including new plain clay tile roof finish instead of the previous thatched roof finish. Resubmission of EP/97/14/HH.	ApproveConditionally 04-11-2014
EP/16/15/HH	Single storey extensions & two storey extension with revised external materials (resubmission following EP/141/14/HH).	ApproveConditionally 08-04-2015
EP/59/15/HH	First floor extension to the north elevation &	Refused

first floor balconies to the south elevation.

26-06-2015

EP/141/14/HH granted planning permission for the construction of a replacement dwelling following major fire damage.

EP/16/15/HH granted permission for the construction of a revised scheme. A subsequent application submitted under reference EP/59/15/HH was refused due to the design of the proposed alterations.

REPRESENTATIONS

Representations received:

East Preston Parish Council

This councils Planning Committee considered this application at its meeting on Monday 27th July 2015.

The committee agreed it would raise no objections to this application. It has subsequently received a copy of a letter sent to Arun District Council by the neighbour to the north of the site and assumes this will be duly taken into consideration.

1 x Letter of Objection:

- The building at its closest point is located 528cm from the boundary.
- The extension requested is directly to the south of our garden and very close to our boundary fence and will blot out the sun to the southern area of our property.
- The owners will be back for yet more change until they obtain what they originally wanted.

Comments on Representations received:

Comments from the Parish Council noted.

In response to the letter of objection received:

- The building at its closest point is located 52.8cm from the northern boundary of the site. However, this distance is unaltered under this application from the earlier approval under reference EP/16/15/HH.
- The proposed 0.9m first floor extension will be located 8.5 metres from the northern boundary and as such it is not considered to give rise to any additional overbearing or overshadowing impacts. Especially given the existing boundary screening present on the northern boundary.
- The Council can only consider the merits of the application which has been submitted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u> <u>GEN7</u> <u>DEV19</u>	Built-up Area Boundary The Form of New Development Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) 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

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel;

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Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. The East Preston Neighbourhood Plan was made on the 11th March 2015 and Policies 1 and 2 are deemed to be relevant to the determination of this application.

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 is considered to be policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

This application seeks permission for the addition of first floor balconies on the primary (southern) elevation; the addition of a 0.9m first floor extension to the rear (northern) elevation; and various alterations to the fenestration of the dwelling. This proposal in terms of scale and impact upon the dwelling has been considerably reduced following the refusal of EP/59/15/HH which sought to introduce a cat slide roof and extend the first floor accommodation by approximately 7 metres.

The proposed balconies at first floor level on the southern elevation of the building are not considered to adversely impact upon the appearance or character of the dwelling due to their design. Therefore, the proposed balconies are considered to be in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

The 0.9m first floor extension will not adversely impact upon the character and appearance of the dwelling as approved under reference EP/16/15/HH and constitutes a relatively minor addition to the original approval. Therefore, the proposed extension is considered subservient and well integrated with the host dwelling in accordance with policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

The proposed alterations to the fenestration of the property will not adversely impact upon the established character and appearance of the dwelling and as such are considered acceptable in

accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed balconies will be located on the primary elevation of the property and will be situated forward of the primary elevations of neighbouring properties. Therefore it is considered that the proposal will not give rise to overlooking of any private amenity space and as such the proposal is considered to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

The proposed extension at first floor level, given its design, location and size is not considered to give rise to any overbearing, overshadowing or overlooking impacts and is therefore deemed to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

The alterations to the fenestration will not give rise to any additional windows at first floor level and as such will not result in any additional unacceptable overlooking and as such is not considered to be in conflict with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

SUMMARY

It is recommended that planning permission is granted for the proposed development subject to the below 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from

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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: Site Plan - A.02TW Rev A; Block Plan - B 02B TW; and Proposed Plans and Elevations - A.04B TW.

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 **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.