

Recommendation Report for Planning Permission**REF NO:** K/1/12/**LOCATION:** 29 Golden Avenue
East Preston**PROPOSAL:** Side extension to provide garage and store (re-submission following K/25/11)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposed extension measures approximately 3.1 metres in width by 10.5 metres in depth and 3.6 metres in height.
SITE AREA	Approximately 770 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Side and rear boundaries are marked by approximately 1.8 metre high timber fencing. There is a lower level fence along the front boundary along with additional site landscaping.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling that has red/brown brick elevation walls and a tiled, hipped roof. A conservatory extension has been added to the southern (side) elevation whilst a lean-to style single-storey extension has been added to the rear. There is a detached timber shed directly to the front of the conservatory.
CHARACTER OF LOCALITY	The site is located within the built-up area on a residential road that is characterised by detached dwellings that are set back from the road and, generally, occupy close to the full width of their respective plots. A large proportion of the dwellings have had extensions or alterations made to them, including to the side and/or rear.

RELEVANT SITE HISTORY

K/15/03/	Rebuilding and extension of existing flat roofed rear extension	Approve Conditionally 27-06-2003
K/25/11/	Single storey extension to provide garage & store	Refused 04-01-2012

REPRESENTATIONS

Representations received:

Kingston Parish Council

Objection: An overdevelopment of the site. Detrimental to the character and appearance of the street scene and will detract from the open nature and feel of the parish as a whole. Infilling towards the boundary on both sides of the property. If others followed suit properties on Golden Avenue would appear more like terraced than detached. Overbearing and intrusive towards neighbouring property. Loss of light to the living rooms of the neighbouring property. Building along boundary will be detrimental to maintenance. Workshop may cause a noise nuisance. The previous application is being appealed, if approved a condition should be imposed to prevent both developments being undertaken together.

One letter of objection from Residents Association: It breaches covenants that a distance of ten feet should be maintained between the side boundaries of every property. An overdevelopment of the plot.

Two letters of objection: Will reduce light to my living room windows. View from my living room would be reduced to looking at a wall. Would lose enjoyment of my garden and wildlife. Would contravene covenant. Movement of motor vehicles and use of workshop will cause pollution. The building has already been extended by 63%. The applicants converted an existing garage into a bedroom and this could easily be converted back.

Comments on Representations received:

Noted. Given the modest scale of the proposed scheme and K/25/11, particular in comparison to the plot size, it is not considered to be reasonable to prohibit both schemes being constructed, should the appeal against the refusal of K/25/11 succeed. Covenants are a legal rather than planning matter and are not a material consideration. The workshop and garage will be ancillary to the use of the dwelling and would not generate a degree of activity that would cause demonstrable harm by pollution. Rights to views are not protected by planning legislation. The impact of the proposal upon the character and appearance of the surrounding area and the amenities of neighbouring residents will be fully assessed within the conclusions of this report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[DEV19](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 deemed to be acceptable, subject to compliance with relevant planning policies. There are no special designations attached to the site or the immediate surrounding area and, in this instance, the main criteria against which the application will be assessed relate to impact upon the amenities of neighbouring residents and the character and appearance of the surrounding area, as set out in Arun District Local Plan policies GEN7 and DEV19.

SITE HISTORY:

The proposal follows K/25/11 which consisted of a forward projecting garage extension to the southern (side) elevation of the dwelling. This application was refused on the grounds that it would have appeared incongruous within the street scene and also due to concerns that it would have encouraged similar development at neighbouring properties. The current scheme has moved the extension to the northern elevation and it will no longer project to the front of the existing building.

PERMITTED DEVELOPMENT:

It should be noted that an extension to the side of a dwelling, of the proposed dimensions, could normally be construed under householder permitted development rights. The only reason the proposal requires planning permission is due to the fact that it will connect to an existing rear extension and its cumulative width has to be taken into account.

CHARACTER & APPEARANCE:

The proposal will increase the width of the dwelling frontage but, unlike the previous scheme, would not project to the front of the dwelling, therefore maintaining the spatial relationship

between the building and the road and not disrupting the open and spacious nature of plot frontages. The overall visual impact will be minimal due to the modest proportions of the extension. As mentioned above, it is possible to build at single-storey height up to the boundary line under householder permitted development rights. It is not considered that a concentration of such features would engender a terraced appearance to dwellings as they would be single-storey only. It is therefore considered that there will be no detrimental impact upon the character and appearance of the surrounding area.

DESIGN & SCALE:

The proposed extension is of a modest height and area and it is considered that it would clearly appear visually subservient towards the existing dwelling. Although the footprint of the original dwelling has already expanded as a result of existing extensions, and will be further increased as a result of the proposal, it is considered that size of the plot is ample to accommodate such growth without an unacceptable loss of amenity space. The pitched roof design of the extension will compliment that of the existing dwelling roof and will also visually assimilate with the existing rear extension, ensuring an integrated and cohesive appearance to the various extensions made to the original building.

RESIDENTIAL AMENITIES:

It is acknowledged that the proposed extension will be positioned alongside the northern site boundary. However, at single-storey height, with the roof pitching away from the boundary, it is not considered that it would appear overbearing, nor would it bring about undue levels of overshadowing towards nearby windows, particularly given the impact of the existing two-storey building some 3 metres from the boundary. The only openings in the structure would be a roof light which would be set at a high level above the floor and unable to offer intrusive views of the neighbouring property. There will also be doors to the rear of the extension from which views towards neighbouring properties will be interrupted by existing site boundary treatment.

ANCILLARY USE:

A condition should be attached to any permission given restricting the use of the garage and workshop to being ancillary to the overall use of the site is a residential property in order to prevent an over intensive use that may have an adverse impact neighbouring residents and their right to a quiet enjoyment of their property.

SUMMARY:

It is considered that the conclusions of this report demonstrate that the proposal complies with relevant planning policy and will not adversely impact upon the character and appearance of the surrounding area or the amenities of neighbouring residents. It is considered that the concerns raised against the previous scheme, K/25/11, have been adequately addressed.

It is therefore recommended that the application is 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 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 it has been deemed that it will have a neutral impact 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:-

11121;
11121/02;
11121/03;
11121/04;
11121/05;
11121/10;
11121/11/A;
11121/12/A;
11121/13/A;
11121/14/1A;

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 extension hereby permitted shall be used solely for purposes incidental to the

occupation and enjoyment of 29 Golden Avenue as a dwelling.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent an overintensive use of the site that would adversely impact upon the amenities of neighbouring residents.

4 **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: GEN2, GEN7, DEV19

NATIONAL POLICIES: NPPF

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