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

REF NO: **K/22/14/HH**

LOCATION: Amballa
Golden Acre
East Preston

PROPOSAL: Part demolition comprising removal of single storey bay on west elevation, and chimney stack on north elevation. Single and two storey extension to 'Annexe'. This application also lies within the parish of East Preston.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1200 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling and hedging to front at over 2m in height. Close boarded fencing and trees to the rear at over 3m in height.
SITE CHARACTERISTICS	The site comprises a two storey detached property with brick and smooth rendered elevations and a hipped tiled roof. There are eyebrow windows on the property and a middle section of timber beams on the front elevation to contribute to its distinct character and appearance. A two storey attached annex to the side (north) has a ground floor garage and a hipped tiled roof.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties in the road which are set within spacious plots.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Kingston Parish Council

No objection.

Comments on Representations received:

Noted.

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	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		

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.

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.

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 Arun District Local Plan which in this case is considered to be 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 part two storey and part single storey rear extension to an existing attached annex at the property. The annex will be extended towards the rear at a length of 5m whilst maintaining the existing eaves and ridge height. A single storey extension is to be added on the rear of this extension at a length of 2m, width of 5m and height of 3.5m.

The extensions will be situated to the rear of the existing annexe and in this location will not be readily seen from the road. The annexe itself is well set back from Golden Acre and is angled away for a discreet appearance. The two storey extension is considered to visually blend in with the annex by continuing the lines set by the existing eaves and ridge levels and with smooth rendered elevations and plain roof tiles to match the remainder of the building. It is also considered to be visually subservient to the property with a lower ridge height and narrow form.

The eyebrow window set on the rear elevation of the two storey extension will match three seen on the existing property and so will be sympathetic in its design. The flying buttresses expressed on the single storey extension will be consistent with the character of the property which includes a section of timber beams set within a white rendered background for a distinct character and appearance.

The extensions are therefore considered to be acceptable in design terms and so complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY
Due to the location of the extensions near the northern boundary, it is considered that the main consideration in terms of residential amenity is on the property called Blue Tiles to the north. The northern boundary treatment comprises close boarded fencing at a height of 1.8m and hedging in places at upwards of 2m in height. With a distance of around 10m from Blue Tiles, it is considered that the proposed extensions can be accommodated without causing any harmful overbearing or overshadowing effects. There is a single rooflight which measures 0.5m x 0.7m in the side (north) roofslope which given its comparatively small size and being angled upwards due to the slope of the roof, will not cause any overlooking of loss of privacy on this or any other property.

It is proposed that a condition be placed on the permission to ensure that the annex does not form a separate means of accommodation in order to protect residential amenities. With this condition in place, it is considered that the proposal complies with relevant 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 numbers 3024-001 (Existing floor plans), 3024-006 (Existing elevations), 3024-002 (Existing sections, block plan), 3024-007 (Proposed elevations), 3024-005 (Proposed sections) and 3024-003 (Roof plan) all dated May 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 roofs of the two storey extension and single storey extension 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 annex and its extensions hereby permitted shall not be used as a separate unit of accommodation at any time.

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

5 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.