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

REF NO: **K/27/17/HH**

LOCATION: Panorama
Golden Acre
Kingston

PROPOSAL: Single storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The single storey extension measures 17m by 7m and is located on the north side of the dwelling. It has a flat roof to approx. 3m with balustrading above to 4m height. Changes to the position and proportions of windows on the south, north, west and east are also included. The material of the roof is also proposed to change from tile to slate.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m painted walling to gravelled surface area to front of property. Walling to Golden Acre to 2m height. Fencing/hedging to Genesis and No 69 to 1.8m.
SITE CHARACTERISTICS	Detached 2 storey property. White painted elevations. Pantile roof. First floor roof terrace to south elevation. Genesis has a 2 storey garage close to site frontage.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design in large individual spacious plots. Varying in height from chalet style and 2 storey.

RELEVANT SITE HISTORY

K/16/91	Construction of double garage with storage over	ApproveConditionally 07-10-1991
K/11/12/	Conversion of 2 no. flats to 1 no. dwelling to	Refused

	include extensions & a detached garage	
		28-09-2012 *Appealed* **Appeal: Allowed+Conditions 11 07 2013**
K/28/14/PL	Demolition of existing building and erection of dwelling	ApproveConditionally 19-11-2014

REPRESENTATIONS

Representations received:

Kingston Parish Council

No objection if it can be clarified that this application is being considered as a single storey side extension to the existing building layout only and not to the layout of planning application K/28/14/PL

Comments on Representations received:

Planning permission K/28/14/PL which was for demolition of the existing dwelling and has not been implemented. This application relates to a ground floor extension to the existing dwelling only. There are no changes at first floor.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design
Kingston Neigbourhood Plan 2014 Policy KPNP1		The Presumption in Favour of Sustainable Development
Kingston Neigbourhood Plan 2014 Policy KPNP7		DESIGN & DEVELOPMENT

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policies 1 and 7 of Kingston Neighbourhood Plan are considered relevant to 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

The site is located within the built up area boundary where extensions to residential dwellings are acceptable in principle subject to normal development control criteria. The relevant policy considerations in the determination of this application are deemed to be policies GEN7 and DEV19 of the Arun District Local Plan; policies KPNP1 and KPNP7 of the Kingston Neighbourhood Plan; and the National Planning Policy Framework.

The area is characterised by mainly detached single dwelling houses on large plots with space to site boundaries. In principle a single storey extension to the proposed dwelling is acceptable and would therefore be appropriate and in keeping with the locality. The proposals involve the enlargement of a property in an exposed and sensitive location. However the extension would be to the rear of the dwelling and the changes proposed in its appearance through its increased footprint and extension would not be readily visible from Golden Acre site frontage although they would be visible in part from the greensward on the beach frontage to the east but this would not be sufficient to unacceptably damage the character or appearance of the area.

The proposal by virtue of its design and location is considered to appear well integrated and subservient to the host dwelling in accordance with policies DEV19(i) and (ii) of the Arun District Local Plan and policy KPNP7(i) of the Kingston Neighbourhood Plan. Materials are proposed to be conditioned to ensure that it is visually integrated. The change in the roof material from tile to slate would not be out of keeping in this location.

The proposal would not have an unacceptably adverse impact upon the established spatial pattern of the street scene in accordance with policy DEV19(v) of the Arun District Local Plan and policy KPNP(iii) of the Kingston Neighbourhood Plan.

The proposal is considered in keeping with the established character and appearance of the host dwelling and is not considered to adversely impact upon the character of the locality. Therefore, the proposed first floor extension is deemed to accord with policy GEN7(ii) of the Arun District Local Plan.

The proposed ground floor extension to the rear is located adjacent to the rear garden of 69

Coastal Road which is separated from the application site by fencing. A gap of 1.5m to 2m is retained between the extension and the boundary. This combined with the relatively limited height of the extension and its rear ward projection of 7m when considered against the overall size of the neighbouring garden would not result in a materially adverse overbearing effect. In addition, although the flat roofed area has decorative 1m high screening around it is not readily accessible from first floor and cannot easily be used as a terrace. If the applicants intend to use this area as a terrace in the future its use is controlled by condition. This would ensure that prior to its use adequate screening is provided to prevent materially adverse overlooking resulting to the garden of no 69. the flat roof is existing between the two properties such that no significant impacts in terms of loss of light, overbearing impact or loss of privacy would occur.

A 17m separation distance exists between the rear of the extension and the rear boundary which is adequate to preclude any materially adverse impact on the residential amenities of Genesis.

Therefore as a whole, the proposal is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon neighbouring properties. As such, the proposal is considered to accord with policy GEN7(iv) and DEV19(iii) of the Arun District Local Plan and policy KPNP7 (iv) of the Kingston Neighbourhood Plan.

The application is therefore recommended for approval 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 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 the following impacts have 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).

The proposal would have a neutral impact on the protected characteristics.

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 30, Proposed Site Plan 50a, Proposed Ground Floor 202, Proposed First Floor 203, Proposed Elevations 205, Sections 106 and 206 and Proposed Roof Plan 204.

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

5 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.