

Recommendation Report for Planning Permission

REF NO: K/54/21/PL

LOCATION: Moorings
Gorse Avenue
East Preston
BN16 1SQ

PROPOSAL: Variation of condition imposed under K/58/20/HH relating to condition 2-approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary condition 2 of K/58/20/HH relating to compliance with submitted plans. Alterations from approved plans relates to changes to materials used to finish the roof and elevations, the addition of 4x rooflights to the southern elevation, the increase in depth of the 'post box' windows from 200mm to 300mm and alterations to the glazing configuration to gable apexes.
BOUNDARY TREATMENT	Hedging/fence to sides and rear. New brick wall to front.
SITE CHARACTERISTICS	Residential
CHARACTER OF LOCALITY	Residential properties of varying styles on large plots.

RELEVANT SITE HISTORY

K/58/20/HH	Alterations to side hipped roof to new sussex barn half hipped roof and widen existing front dormer windows, alterations to rear roof elevation from hipped to gable end and addition of matching ground floor bay window to rear	ApproveConditionally 05-02-21
K/31/20/HH	Single storey side extension to Western elevation. Single storey rear veranda infill extension. Rebuild of garage. First floor side facing (east & west) roof-lights. Note - widening of existing rear (south) dormer window and two new rear (south) dormer windows in lower hipped roof including balcony.	ApproveConditionally 25-09-20

Noted.

REPRESENTATIONS

1 letters from neighbours - Object

- West first floor, no justification to increase in size.
- Window is supposed to be fixed shut and obscured glazed.
- South facing rooflights will result in unacceptable visual intrusion.
- Fire resistance on timber shingle.

1 letter from Kingston Gorse Estate

- Incorrect site boundaries shown on plan, incorporation of grass verge into garden.
- Increase in size of flat roof dormer increases bulk of west and eastern elevations.
- Increase height of first floor flat roof central bay window.
- Alterations to west facing first floor window increase overlooking of Highwater House.
- Additional window on northern elevation.
- Increase of size on facias to garage.
- Project is being built with little regard to detailing or design quality.
- Lack of regard to Kingston Parish's Design Guide.
- Materials do not reflect character of area and are detrimental to the street scene.
- 4 velux rooflights are excessive in number creating a cluttered appearance.

COMMENTS ON REPRESENTATIONS RECEIVED:

It has been confirmed by the agent that the east and west facing windows are now covered by an obscured film.

CONSULTATION RESPONSES RECEIVED:

Parish Council - No Objection subject to appropriate conditions to protect neighbours amenity.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary (BUAB)

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 complies with policy D DM1 and D DM4 of the Arun Local Plan.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. Part J.01 relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced.

Policy KPNP 7 of the Kingston Neighbourhood Development Plan (KNP) relates to the design and development of proposals within the built up area boundary. The design and location of the development must be appropriate and sympathetic to the character and appearance of the Parish in terms of scale,

massing, aspect, siting, layout, density, materials, landscaping and design features. It seeks to protect and enhance biodiversity, and have minimal impact on users and occupiers of nearby occupiers of land.

This application only relates to the built alterations mentioned within the description, it does not seek to reevaluate the proposal as a whole.

DESIGN AND VISUAL AMENITY

The existing dwellinghouse was a brick and tiled property. Permission K/58/20/HH stated that the materials used in the proposed development would be plain tiles to match the existing roof and weatherboarding to the new gables. This application now seeks to alter the materials to timber shingle to both the walls and roof. Within the original officers report it was noted that the area consists of a 'unique and varied character' which is agreed with. Timber as a roof covering is not found within the immediate area, however, it can be found as an elevational treatment to other properties along the road. As such it will not result in a harmful impact upon the character of the area nor the host dwelling in accordance with policy D DM1 and D DM4 of the Arun Local Plan and KPNP 7 of the KNP.

The Parish have commented that the introduction of 4x rooflights to the southern elevation creates a cluttered appearance to the roof. Whilst undoubtedly there is a change to the character of the roof plane with the introduction of the rooflights, they would be allowable under the properties of Permitted Development Rights as long as they do not protrude more than 150mm beyond the plane of the roof slope and as such are acceptable.

The size and scale increase to the glazing and the increase in depth of the side facing 'post box' windows does not alter the character of the proposed development.

It is considered that the built changes to the design and visual qualities of the dwelling accords with policies D DM1 and D DM4 of the Arun Local Plans and Part J.01 of the Arun Design Guide.

RESIDENTIAL AMENITY

As a result of the plans submitted as part of K/58/20/HH detailing the east and west facing first floor windows being fixed shut and obscure glazed, the officers report noted that although there was an increase in openings at first floor level, overlooking was not a concern. It is therefore of great importance that the plans are adhered to otherwise negative impact from overlooking, especially towards Highwater House, may become apparent. It has now been confirmed by the agent that they are fixed shut and have been covered with an obscure film, a condition will be placed on these windows so that they remain obscured in perpetuity.

In relation to the additional glazing to the gable apexes and as there was already windows existing to the first floor, no additional views will be created from the extra glazing. As such, it is concluded that no negative impact will arise from the alterations.

The Parish Council have raised concerns relating to the additional scale from the dormers and central bay, however it is believed that these comments relate to the original scheme. This application does not seek to increase the built form and there are no concerns relating to impact from overbearing or overshadowing.

In terms of overlooking, the proposal complies with Policy D DM4 (c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;

- Proposed Elevations KG/GA/06 REV F
- Proposed Floor Plans KG/GA/05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan and Part J of the Arun Design Guide.

- 2 The first floor openings hereby approved to the East and West elevations shall be retained as non-opening and fully obscured windows and shall be retained as obscure glazed/non-openable in perpetuity.

Reason: In the interests of protecting the privacy of neighbouring properties in accordance with Policy D DM4 of the Arun Local Plan.

- 3 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission

K/58/20/HH only. The applicant is advised and reminded that the other planning conditions attached to the original planning permission number K/58/20/HH remain in force and must be complied with.

- 4 **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.