

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

REF NO: K/9/13/

LOCATION: Fiddlers Green
Golden Acre
East Preston

PROPOSAL: Ground floor rear extension, rear conservatory, replacement of existing flat roof over garage with new pitched roof to provide additional accommodation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal involves the formation of a pitched roof over the existing flat roof garage. An extension to the rear of the dwelling measuring approximately 2.4 metres in width by 3.6 metres in depth will be added to the rear and will be incorporated beneath the proposed roof. The new roof will stand at approximately 6.55 metres at roof ridge height and will contain front and rear facing pitched roof dormers in order to facilitate first floor accommodation.

The proposal also includes the erection of a conservatory extension to the rear of the dwelling that will measure approximately 3.85 metres in width by 5.6 metres in depth and 3.5 metres at ridge height.

SITE AREA

Approximately 910 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Site boundaries are marked by a combination of approximately 1.8 metre high timber fencing, a section of brick wall of a similar height on the northern boundary. There is additional mature coniferous trees and hedging in most places, particularly along the eastern boundary.

SITE CHARACTERISTICS

The site is occupied by a detached L-shaped chalet style dwelling which has red/brown brick elevations and a tiled, gabled roof which incorporates dormer windows on the northern and western slopes. A single-storey flat roof garage is attached to the northern elevation.

CHARACTER OF LOCALITY

The site is located on a residential road that is lined by an informal arrangement of detached dwellings of a mixture of designs and scales. Buildings are generally set back from the road and partially screened by boundary treatment and landscaping along site frontages.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Kingston Parish Council

Kingston Parish Council: No objection as long as conditions are applied to prevent overlooking of neighbouring properties e.g. opaque glass in windows and suitable screening where appropriate.

One letter of objection: Due to the size/layout, density and the small scale site this would result in a loss of privacy to the rear garden and house at 100 Golden Avenue. Is also visually detrimental to the neighbourhood.

Comments on Representations received:

Response to Kingston Parish Council: The site is well screened by existing site boundary treatment and landscaping and it is not considered that any windows will be in a position to offer intrusive overlooking of neighbouring sites due to the presence of this screening and distances retained between neighbouring properties.

Response to letter of objection: Potential impacts upon the amenities of neighbouring residents and the character and appearance of the surrounding area will be discussed fully 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	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

The Development Plan consists of the Arun District Local Plan.

It should be noted that the Arun District Local Plan was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 proposed extension will alter the appearance of the dwelling frontage as a result of the extension over the flat roof garage. The extended part of the dwelling is, however, set well back from the road and partially screened from view within the street scene by existing site boundary treatment and landscaping, minimising the visual impact of the proposal. It should also be noted that the surrounding area consists of an informal layout of dwellings of a variety designs and scales and there is no uniform spatial or visual characteristic. It is therefore considered that the proposal is in keeping with the form of surrounding development and would not have an unacceptable adverse impact upon the character and appearance of the surrounding area.

It is considered that the proposed works will relate sympathetically towards the existing dwelling in terms of design and scale. The height of the proposed roof extension will match that of the roof of the original dwelling and this, along with its positioning, set back from the frontage of the host dwelling, will ensure that it maintains visual subservience towards it. The eaves and ridge height of the proposed roof match those of the existing roof and this will help create a smooth transition between original and new elements and a visually integrated appearance.

With regards to the amenities of neighbouring residents, the western elevation of the proposed first floor extension will run parallel to the western site boundary, stepped in from it by approximately 1.5 metres. The proposed extension will be positioned alongside buildings at the neighbouring property to the west, Weybourne House, specifically facing towards a windowless section of elevation wall of the main dwelling and a roof area of a single-storey extension. It is noted there is a roof light at the neighbouring extension that may be subject to an element of

overshadowing, however, the room that it serves benefits from a number of unaffected windows and window lights and, in any case, the level of overshadowing will be low due to the upwardly inclined angle of the roof light. The overall height of the extension is not as great as that of adjacent properties and it is therefore not considered that it will appear overbearing.

Views towards neighbouring properties from all new ground floor windows will be interrupted by existing site boundary treatment. It is considered that the proposed first floor windows will all be a sufficient distance from neighbouring property to prevent intrusive levels of overlooking. It is also considered that existing boundary landscaping will provide screening.

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 the development would not result in a harmful 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:-

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277.13.01;
277.13.02;
277.13.03 Rev A;
277.13.04 Rev A;
277.13.05 Rev A;

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 materials and finishes of the external walls and roofs of the side/rear extensions and the plinth wall of the conservatory hereby permitted shall match in colour and texture those of the existing dwelling.

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

- 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: National Planning Policy Framework

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

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.