

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

REF NO: LU/115/15/HH

LOCATION: 21 Davits Drive
Littlehampton

PROPOSAL: Single storey rear extension & new window to existing side elevation. This application may be determined by Littlehampton Town Council under delegated powers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
TREES	No trees of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open plan to front. 2 metre high wooden fencing to all sides at rear.
SITE CHARACTERISTICS	2 storey semi detached property.
CHARACTER OF LOCALITY	Residential street comprising predominantly of 2 storey high semi detached properties.

RELEVANT SITE HISTORY

LU/399/89	Extend Bedroom at first floor level	Refused 20-11-1989
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REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

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 2003: DEV19
GEN7

Publication Version of the Local
Plan (October 2014):

Extensions to existing residential buildings
The Form of New Development

D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

The Littlehampton Neighbourhood Development Plan was made at Full Council meeting on 5th November 2014. This means that the Littlehampton Neighbourhood Development Plan has been brought into legal force and forms part of the statutory plan for the town. Consequently, decisions on whether or not to grant planning permission in this area will need to be made in accordance with the Littlehampton Neighbourhood Development Plan, unless material considerations indicate otherwise.

There are no policies from the Littlehampton Neighbourhood Development Plan that are considered relevant to 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

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area. Whilst, DEV19 requires extensions to existing residential buildings to be sympathetic in relation to the existing building in siting, design, form, scale and materials; subservient to the main building; and to not cause any overshadowing, overlooking or overbearing effects upon neighbouring properties.

DESIGN AND VISUAL AMENITY

The proposal is to extend an existing flat roofed rear extension by a further 3.5 metres and maintain its existing 3m height continuing the flat roof design.

There is a similar designed rear extension on the neighbouring property. The proposed extension in this case is therefore deemed to have been designed sympathetically and visually integrated with the existing building in terms of siting, design, form and scale as well as in keeping with the existing character of the area. As such, the proposal is considered to be in accordance with policies GEN7 (ii) and DEV19 (i), (ii) & (iv) of the Arun District Local Plan.

The proposed window to the side elevation is in addition to two other openings on this elevation and is replicated on the side elevation of the adjoining property. It is therefore considered to be in keeping with the existing facade of the property and the rest of the street scene.

RESIDENTIAL AMENITY

To the south the rear extension will be set away from the neighbouring boundary by 3m which will mean that there will be no adverse impact on residential amenity on that property.

To the north the extension will run alongside the neighbouring boundary where there is a similarly designed rear extension. The Council operates the 45 degree rule to ensure there is no unacceptable adverse loss of daylight on neighbouring properties. In this case the policy will be breached but given the level of boundary screening (2m high wooden fence) and additional hedge screening the additional impact on residential amenity will be acceptable.

It is proposed to impose a condition for obscure glazing and top fan opening only on the proposed window to the existing side elevation of the property so as to preclude any overlooking into the property to the south.

Therefore, subject to the following conditions this application is recommended for approval.

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 (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

In assessing this proposal neutral 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.

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: 1303/P01, 1303/P02.

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 roof(s)) of the building(s) hereby permitted shall match in colour and texture those of the existing building(s).

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

- 4 The proposed window shall all times, except for the top light, be fixed shut and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 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.