

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

REF NO: LU/131/17/HH

LOCATION: 1 Honeysuckle Close
Littlehampton

PROPOSAL: Single storey first floor extension over existing converted garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

A first floor extension 5.5 metres in length 3 metres in width above an existing garage with a pitched gable end roof with an eaves height to match the gable end and a ridge 80 cm lower than the main ridge at 6.2 metres in height.

The extension would be set back 4.5 metres from the existing front elevation with a drive in front of it and 1.5 metres behind the rear elevation.

SITE AREA

200 sq.m.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

1.8 metre close boarded.

SITE CHARACTERISTICS

A modern brick and tile built small detached property on a modern new build estate

CHARACTER OF LOCALITY

A cul de sac on a modern new build estate.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

No policies in the Littlehampton Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 in accordance with policy GEN 2 of the Arun District Council Local Plan. The development proposal is therefore acceptable in principle, subject to accordance with other relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan which in this case are GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities of the host and neighbouring properties.

DESIGN AND VISUAL AMENITY

The proposal would not have a significant impact on public areas due its set back 4.5 metres behind the front elevation of the applicant's dwelling. It is considered subservient to the existing dwellinghouse because of this setback and the ridge height 80cm below the main ridge height. The proposed dormer at first floor reflects the current main roof front dormer in design which is an attractive detail.

The proposed extension is to be constructed of matching materials and would be of a scale and size commensurate with the host building.

The design of the first floor extension is considered to harmonise as a whole with the existing dwelling and will not have a significant impact on the street scene and is therefore considered to comply with relevant policies GEN7(ii) & DEV19 (i),(ii)&(v) of the Local Plan.

NEIGHBOUR AMENITY

The first floor extension is located at the side and 1.5 metres to the rear above the existing garage. The only property potentially affected is the adjacent neighbouring property to the west 2 Honeysuckle Close. This property has a main rear elevation set approximately matching that of the applicant's property however they have constructed a single storey conservatory at the rear of their property projecting 1.5 metres further out than the proposed first floor extension and therefore the rear habitable room windows of the conservatory are not overlooked nor caused an overbearing impact or significant loss of light by the proposed first floor extension and no windows are to be constructed in the side facing elevation. The proposed extension complies with the 45 degree rule which the Council uses to assess adverse impacts in terms of overbearing impact and loss of light in respect of the closest adjacent bedroom windows in neighbouring properties at first floor level.

The proposal is considered to be acceptable in terms of residential amenity in accordance with policies GEN7(iv) and DEV19(iii) of the Local Plan.

The application is recommended for conditional 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 (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;

Dwg.no. DE/729/01 Rev P1 - Site Block Plan dated March 2017

Dwg.no. DE/729/03 Rev P1 - Proposed Ground floor, First floor and Roof Plans dated March 2017

Dwg.no. DE/729/04 Rev P1 - Proposed Front, Rear and Side Elevations dated March 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 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 **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.