

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

REF NO: LU/148/15/HH

LOCATION: 20 North Street
Littlehampton

PROPOSAL: 1st floor rear extension. Resubmission of LU/31/15/HH. This application may be determined by Littlehampton Town Council under delegated powers

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a flat roofed first floor extension above part of a single storey rear extension. It would measure 2.8m wide by 2.5m deep and 4.7m high.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick walling to approximately 1m high on western boundary. On eastern boundary 1.8m high close boarded fencing
SITE CHARACTERISTICS	Terraced property, linked at first floor level to neighbouring property to east only. Existing flat roofed single storey rear extension.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly 2 storey terraced properties of similar design with painted rendered elevations.

RELEVANT SITE HISTORY

LU/31/15/HH	First floor rear extension. This application may be determined by Littlehampton Town Council under delegated powers.	Refused 27-04-2015
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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 Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7
DEV19

The Form of New Development
Extensions to existing residential buildings

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

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 specific 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

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

The application follows a refused application LU/31/15/HH which was for a wider first floor extension which was 0.8m from the boundary and did not comply with the 45 degree rule. The depth and height of the extension remain unaltered.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a rear first floor extension to provide an en-suite. The extension would be constructed of matching materials and would not be readily visible in the street scene.

Given that the extension would be of similar design to the existing dwelling and constructed of matching materials it would not result in serious harm to the visual amenities of the locality or the appearance of the host dwelling.

Its dimensions would also be limited and the extension would be considered subservient to the main dwelling in accordance with policy DEV19.

It is therefore considered that the proposal complies with policies GEN7(ii) and DEV19(i), (iv) & (v) of the Arun District Local Plan and policies DDM1 and DDM4 of the Emerging Local Plan.

RESIDENTIAL AMENITY

The extension would be constructed on top of a single storey extension which has been constructed under permitted development rights. The two storey extension is 1m from the western boundary with No. 18 and this adjoining property has a single storey extension set approximately 1m from the boundary. This separation distance to the boundary when considered with the height of the extension at approximately 4.4m to eaves is judged to have an acceptable impact on the neighbouring property and garden. The neighbouring property has a bedroom window at first floor and a ground floor window in the rear extension facing the extension and a window at ground floor in the rear elevation which would lose light.

The Council has adopted the 45 degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. The agent has submitted plans to demonstrate that the rear projection of the proposed extension combined with the proximity to the boundary means that the extension would comply with the Council's adopted 45 degree rule. The extension would not result in a materially adverse overbearing effect on the garden or rear elevation of No. 18. There are no windows in the side elevation of the proposed extension so no direct adverse overlooking would result.

The proposal therefore complies with policies GEN7(iv) and DEV19(iii) of the Local Plan and policies DDM1 and DDM4 of the emerging plan.

It is therefore recommended that the application is approved 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 (the 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 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: location scale 1:1250, block scale 1:500 and 150122/1C.

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 of the extension hereby permitted shall match in colour and texture those of the existing building.

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.