

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** LU/217/15/HH**LOCATION:** 4 Peel Close
Littlehampton**PROPOSAL:** Two storey side extension. This application may be determined by Littlehampton Town Council under delegated powers.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal relates to a first floor extension on the east side of the property. It would have a depth of 6m, width of 4m and a ridge height of 6.5m. It would provide a first floor bedroom, ensuite and cupboard.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage 0.5m high wall. Fencing/ railings to 1.8 - 2m enclose rear garden
SITE CHARACTERISTICS	Property is located in the corner of a short cul-de-sac. It is one of a pair of semi- detached 2 storey dwellings with brick elevations and plain tiled roof. Hard surfaced parking to front. Adjoining property has had ground floor extensions. Garage compound to south.
CHARACTEROF LOCALITY	Predominantly residential characterised by semi-detached properties of similar design facing onto road and set back behind wide grassed verges. Some dwellings have been extended and altered at ground floor

RELEVANT SITE HISTORY

LU/152/05/	Proposed alterations and extensions for part disabled use.	Refused 08-07-2005
LU/270/05/	Proposed alterations and extensions for part disabled use (Re-submission following LU/152/05)	ApproveConditionally 21-10-2005

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

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Extensions to existing residential buildings
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 policies from the Littlehampton Neighbourhood Development Plan which 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 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 and policy DDM1 of the Emerging Local Plan which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a first floor side extension to provide an additional bedroom and en-suite.

The property is at the end of a cul-de-sac which exhibits strong design uniformity and is characterised by semi-detached paired properties with significant space to their side boundaries. The site is located in the corner of the cul-de-sac. The proposed 2 storey extension would have a ridge height that is lower than the existing dwelling and would appear as a subservient extension to the main dwelling. Space would be eroded at first floor between the properties but given that the extension would be set back 4m behind the front elevation of the property it is not considered that the proposal would harm the visual amenities of the locality. A condition has been imposed to

ensure that the materials match the existing

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

RESIDENTIAL AMENITY

The first floor extension is 1m from the east side boundary which abuts a garage compound and would not result in any materially adverse overbearing or overlooking effects or loss of amenity to no 5 (which has recently received planning approval for a rear and side extension). The Council have adopted a 45-degree rule as a tool to balance the interests of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbours outlook or daylight. In this instance the proposal accords with this rule. It would be located 7m from the western boundary and behind the side elevation of no.5. It would not create a material loss of daylight and outlook. It would therefore have an acceptable impact on the residential amenities of numbers 3 and 5. A condition has been imposed to prevent a window being installed in the west side of the extension which would result in adverse overlooking of the garden to no 3. This area has a staircase located internally.

It is therefore recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

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 (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 58/15/319.

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 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings shall be formed at first floor or above in the west elevation of the extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 and 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.