

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

REF NO: LU/218/17/HH

LOCATION: 5 Camelia Close
Littlehampton

PROPOSAL: First floor extension & conversion of garage (re-submission of LU/54/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is for a first floor extension 2.8m wide and 7.1m deep with a ridge height 0.4m lower than the existing.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage open. Fencing to side boundaries
SITE CHARACTERISTICS	Semi detached 2 storey dwelling with garage to side. Parking available across site frontage for up to 3 cars.
CHARACTER OF LOCALITY	Predominantly residential characterised by 2 storey detached/semi detached dwellings of varying design and materials

RELEVANT SITE HISTORY

The previous application LU/54/17/HH for a first floor extension 2.8m wide and 8m deep with a ridge height to match the existing dwelling was refused for the following reasons:

'Given the height, proximity to the boundary and size of the first floor side extension it would not be subservient to the main dwelling and result in an unbalanced appearance to the pair of properties and would be visually obtrusive and out of keeping in the street scene contrary to policies GEN7 and DEV19 of Arun District Local Plan and the NPPF.'

and

'Given its height and close location to the rear garden of 3 Camelia Close the proposed first floor extension would be unneighbourly and detrimental by way of loss in daylight and sunlight to the amenities of the occupiers of 3 Camelia Close in conflict with policies DEV19 and GEN7 of the Arun District Local Plan'.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

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: DEV19
GEN2
GEN7

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

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)
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 has taking place. 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. The examination is due to re-commence in Autumn 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

There are no policies in Littlehampton Neighbourhood Plan relating to this specific type of 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 application site is situated within the built up area and within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

COMPARISON WITH PREVIOUS REFUSAL

This application has reduced the ridge height of the proposal by 0.4m so that it is set down below the existing providing a more subservient appearance to the extension. The length of the extension has also been reduced to the rear by 0.9m reducing its overbearing impact on the residential dwelling to the south.

DESIGN

The proposed first floor side extension would be built on top of the existing garage. The character of the area is derived from mainly detached 2 storey dwellings with limited space to the side boundaries. The application dwelling is one of the only pair of semi detached properties in the road which currently has a wider roof than the detached dwellings with a greater space to both site boundaries. The proposal will increase the length of the dwelling at first floor and, therefore, alter its appearance within the street scene. It is accepted that the extension would not project forward of the existing dwelling frontage and would therefore not disrupt the linear arrangement of dwellings that front this section of the road. However, it is one of a pair of semi-detached dwellings that are similar in appearance. The dwelling to the north has not been extended at first floor. The extension would now be set down below the existing roof ridge line and would be set in approx. 1m from the rear elevation of the dwelling. It would therefore appear subservient to the host property. Whilst it would unbalance the present symmetrical appearance of the pair of dwellings this would not adversely affect the visual amenities of the area given its relatively limited bulky and visual dominance.

Policy DEV19 of Arun District Local Plan requires extensions to be (i) sympathetically related to and visually integrated with the existing dwelling in terms of form and scale and to be (iv) subservient to the main dwelling, The design of the extension and its height means that the proposal now meets these requirements. The proposal is therefore compliant with policy DEV19 . It would also no longer result in material harm to the visual amenities of the locality.

RESIDENTIAL AMENITY

The proposed extension has no windows in its side elevation and would not therefore result in any materially adverse overlooking effects and given its height and the distance to site boundaries it is not considered that the proposed first floor extension adversely affects the residential amenities of neighbouring properties to the rear. Given its 0.9m reduction in depth to the rear, following the previous refusal it is no longer considered to be overbearing on the adjoining property to the south or its garden. The extension would be 1m from the boundary and would extend 2.4m beyond the rear elevation of the neighbouring dwelling with a height of 4.5m to the eaves which would result in materially adverse overbearing effects.

The Council have adopted a 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 impact upon neighbours outlook or daylight. In this instance the mid point has been taken of the neighbour's rear window and the proposal does now accord with this rule.

Therefore, the proposal is considered to conflict with policy GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

CONCLUSION

The proposed development is therefore recommended for approval 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 (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

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 first floor windows or other openings shall be formed in the south side wall 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.