

Recommendation Report for Prior Notification for Householder Extension

REF NO: LU/22/14/PDH

LOCATION: 18 Coniston Way
Littlehampton

PROPOSAL: Notification under extended permitted development rights for single storey flat roof rear extension extending 4.97m from the original wall of the dwelling house, 2.9m high with an eaves height of 2.7m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The extended permitted development rights referred to in the proposal title have recently allowed householders the opportunity to extend their properties beyond Permitted Development limits without applying for planning permission. This application has been the subject of neighbour notification under the new process and is for a rear single storey flat roof extension measuring at its maximum 4.97m in depth, 5m in width and 2.9m in height.
SITE AREA	Approximately 180 square metres.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front. Close boarded fencing at approximately 1.8m in height to the rear.
SITE CHARACTERISTICS	A two storey semi-detached property with brown brick elevations and a pitched roof with brown pantiles.
CHARACTER OF LOCALITY	Predominantly residential in character, there are generally two storey detached and semi-detached properties in the area.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

One letter of objection.

The height, mass and promixity of the proposed structure on the neighbouring property of No. 17 Coniston Way will block sunlight into the lounge from mid/late afternoon.

Comments on Representations received:

Comments noted. However, the extension is considered acceptable on neighbouring properties including No. 17 Coniston Way for the reasons set out in the Conclusions section

of this report.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings
---	---

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
------	------------------------------------

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
-the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 residential amenities of the adjoining properties.

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

This application is for a rear extension to be considered under Prior Notification legislation which has recently come into force. The advice set down in the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 under Section 7 (Amendments in relation to home extensions) states that the Local Planning Authority shall, when considering the impact of the proposal, take account of any representations received and consider the amenity of all adjoining premises. This means that the design of the proposed extension cannot be taken into account.

There is currently a PVCu conservatory which projects approximately 2.3m from the rear wall of the property at a distance of approximately 0.8m away from the eastern boundary. Therefore, the proposed extension replaces similar development already established in this part of the site. Although the proposed extension will be positioned nearer to this side boundary it shares with No. 17 Coniston Way at approximately 0.3m, it will have the same length as the existing structure at approximately 2.3m before angling away on a 45 degree line to reduce its mass. Therefore, the extension only extends at approximately 4.97m at its westerly point which is comfortably set away from any property.

It should also be noted that under Permitted Development, a rear extension can be built in this location which is 3m in length at 4m in height. Therefore, the proposal is considered to be a better alternative for the property of No. 17 Coniston Way as it is 0.3m less in length and 1.1m in height at its closest point to the eastern boundary than would be the case without this application being made.

There is also close boarded fencing at approximately 1.8m in height which will shield the majority of the extension with only 1.1m being visible above the fence line. The extension maintains a strict 45 degree line which also ensures that if there is any loss of light, it will not be at harmful levels to any neighbouring property including No. 17. Consequently, the extension is considered to not cause any unacceptable residential effects by way of overshadowing, overbearing, overlooking or loss of privacy.

It is therefore recommended that prior approval be granted.

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 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, a neutral impact has 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

NO OBJECTION