

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

REF NO: LU/232/15/HH

LOCATION: 44 Esher Drive
Littlehampton

PROPOSAL: Side extension. This application may be determined by Littlehampton Town Council under delegated powers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Demolition of a flat roofed garage to the north side of the property and its replacement with a flat roofed extension projecting 3.9 metres with a length of 8.6 metres with a height of 2.7 metres to the eaves of the flat roof.

SITE AREA

approx.640 sq.m.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

A 2 metre high close boarded wooden fence surrounds the rear garden in which the proposed side extension will be located.

SITE CHARACTERISTICS

A detached bungalow on a corner plot with large front, side and rear gardens.

CHARACTER OF LOCALITY

The locality is residential consisting of similar residential properties with a public recreation ground and community centre opposite.

RELEVANT SITE HISTORY

LU//337/05/ - demolition of existing garage and rebuild new. New roof to existing rear extension.-
Approved.

REPRESENTATIONS

Representations received:

No comments from neighbouring properties have been received.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

N/A

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan
Class C Road
PD restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>DEV19</u>	Extensions to existing residential buildings
	<u>GEN2</u>	Built-up Area Boundary
Publication Version of the Local Plan (October 2014):	<u>GEN7</u>	The Form of New Development
		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	National Planning Policy Framework
NPPG	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.

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.

No policies in the Littlehampton Neighbourhood Plan 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.

The proposed single storey extension is on the north side of a detached bungalow. It is intended that side extension would replace the existing garage. The front elevation of the proposed extension would continue the front elevation of the primary dwellinghouse with a projection of 3.8 metres leaving 1 metre from the side elevation of the extension to the boundary. The current garage is 1.5 metres from the boundary. The bulk of the extension would be located beyond the 2 metre rear garden fence facing onto Southfields Road.

In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are considered to be policy GEN7 and DEV 19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and D SP1 in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN & VISUAL AMENITY

The proposal is for a side extension extending 3.8 metres from the side elevation into the side garden to within 1 metre of the side boundary fence.

The proposal would not appear significantly different to the existing garage in form as it would be just 20 cm higher (at 2.8 metres in height) and 50 cm wider. The height of the proposed roof is

substantially lower than the main dwelling roof and as such it is considered to be subservient to the existing dwelling.

Only 80 cm of the roof would show above the back garden fence of the property to the side and rear and would be set back at least 1 metre from the boundary and the materials of construction are intended to match that of the existing building and would be subject of a planning condition if approved.

It is therefore considered that the proposal is consistent with policies relating to design, visual amenity and the amenity of neighbouring properties.

RESIDENTIAL AMENITY

There would be no unacceptable impact on residential amenity in terms of loss of privacy, overlooking, overbearing impact, loss of daylight or sunlight to any neighbouring property caused by this proposal as it is well separated from any neighbouring properties.

It is therefore recommended that planning permission 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 (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

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from

report

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. 15/4279/2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 78 and DEV 19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the building 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.