

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

REF NO: LU/311/15/HH

LOCATION: 6 Carvel Way
Littlehampton

PROPOSAL: Single storey rear extension & first floor side extension over garage. This application may be determined by Littlehampton Town Council under delegated powers. (Resubmission following LU/161/15/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 374 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a 1.8 metre high hedge with the eastern boundary of the site featuring a 1.8 metre high brick wall and the northern and western boundaries consisting of a 1.8 metre high close boarded fence.
SITE CHARACTERISTICS	The site is occupied by a link detached two storey dwelling with an integrated garage. Constructed of red brick with a brown tiled roof.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

Planning application LU/161/15/HH sought permission for the construction of a two storey rear extension and was refused due to overbearing impacts contrary to policy GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Open Plan Condition

Within Built Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
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)
SD SP2 Built-Up Area Boundary

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.

No policies in the Littlehampton Neighbourhood Plan are considered relevant to the determination of 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and would 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 situated within the built area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. As such, the main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case will be policies GEN7 and DEV19.

This application is an amendment from the earlier refusal under reference LU/161/15/HH, which sought permission for the construction of single storey and two storey rear extensions. The proposed alteration to LU/161/15/HH has resolved the concerns identified in the earlier scheme in relation to residential amenity impacts.

DESIGN AND VISUAL AMENITY

The application seeks permission for the construction of a single storey rear extension and a first floor side extension above the existing garage.

The proposed single storey rear extension will extend a maximum of 4.7 metres from the rear wall of the original dwelling house with the existing conservatory to be removed. It will have a height of 3.7 metres with a mono-pitched roof. This aspect of the proposal is considered to appear well integrated and subservient to the host dwelling in accordance with policies GEN7(ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

The proposed first floor extension will be located above the existing garage extending 4.7m to the

east of the existing first floor. It will measure 7.1m above ground floor and will feature a roof which will match the existing ridge height and roof slope of the previously approved first floor extension under reference LU/275/99. The proposed extension is shown as being tile hung and this is considered detrimental to its appearance within the street scene, with the proposed materials failing to ensure that the proposal appears integrated with the host dwelling in accordance with policy DEV19 (i) of the Arun District Local Plan. Tile hanging is also not a feature of this area and as such the proposed use of tile hanging is considered to be out of keeping with the area and therefore in conflict with policy GEN7(ii). Suitable materials could be secured by way of a condition on approval.

The proposed first floor extension is not considered to be in keeping with the wider character and appearance of the area - 6,8 and 10 Carvel Way were originally a row of three link-detached properties of the same design. The earlier approval under reference LU/275/99 gave permission for the conversion of the existing garage, construction of a new attached garage and the construction of a first floor side extension. This latest application seeks to add an additional 4.7m first floor extension above the garage which is considered to have an unacceptable impact upon the appearance of the host dwelling and the character and appearance of the wider area.

Carvel Way and this estate features semi-detached and terraced properties of a similar design, size and style but the proposed alteration will result in 6 Carvel Way measuring 12.2m in width at first floor level in comparison to 8 and 10 which have a width of 5.1m at first floor level.

Therefore, the proposed alterations would result in a dwelling of a size and style which would appear incongruous and detrimental to the character of the locality in conflict with policy GEN7(ii) and DEV19(i), (ii) & (iv) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The first floor extension is located to the east of the host dwelling and would abut the foot path, whilst the size and scale of the single storey extension is not considered to be sufficient to generate any overbearing or overshadowing of neighbours.

Therefore, the proposal is considered to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

SUMMARY

The proposed single storey rear extension is considered to be in compliance with relevant local plan policies. However, the proposed first floor extension is considered to be in conflict with policies GEN7(ii) and DEV19 (i),(ii) & (iv) of the Arun District Local Plan. Therefore, it is recommended that planning permission is refused for the below reason.

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 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case

interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

- 1 The proposed first floor extension due to its choice of materials, significant size and prominent location is considered to have an unacceptable incongruous impact upon the character and appearance of the host dwelling as well as the character of the wider locality in conflict with policies GEN7(ii) and DEV19 (i), (ii) & (iv) of the Arun District Local Plan and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.