

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

REF NO: LU/33/18/HH

LOCATION: 1 Seaton Road
Littlehampton
BN17 7LG

PROPOSAL: Demolition of existing conservatory & erection 2 storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed development comprises an L shaped two storey rear extension. The extension has a maximum depth of 3.4m, width, 4.6m and 7m high. The set back part is approximately 2m deep, 3.4m wide and 6.7m high.
	Materials would match the existing property.
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	The front has a low boundary wall. To the rear there is a timber fence approximately 1.8m high.
SITE CHARACTERISTICS	The application site comprises a two storey detached property constructed of brick and render beneath a tile roof. The property has a conservatory to the rear. It is set of a reasonably sized plot.
CHARACTER OF LOCALITY	Residential street comprising similar scale properties albeit of varying design.

RELEVANT SITE HISTORY

LU/86/95	Demolish existing structure, erection of garage, utility room and toilet at side	ApproveConditionally 10-05-95
----------	--	----------------------------------

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Town Council have no objection

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICES

[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 \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 1](#) The Rustington Convalescent Home (Carpenters),
Sea Road

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice 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.

A new local plan is in preparation and is 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.

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. The examination was completed in September 2017. A consultation into the proposed modifications ended in February 2018.

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. 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.

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).

The relevant policies in the Littlehampton Neighbourhood Plan have been taken into account.

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 dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The two storey rear extension would extend across the whole rear elevation of the house, albeit it is set back on the east side to form an L shaped. The proposed extension has a hipped roof set down approximately 0.5m below the main house on the set back and level with the main roof on the larger part of the extension. The extension would be set in approximately 1.4m from the side boundary of the site with No.3 on the west side, 0.8m from the side boundary with rear of Nos 47 and 49 Lyminster Road and approximately 18.8m from the rear boundary. The extension would not be readily visible from the road to the front.

The proposal would involve the removal of the existing conservatory. Materials would match the existing property.

Therefore, it is considered that the proposed development, as a whole, is subservient to the main house and would not be harmful to the character and appearance of the host property or the wider area.

With regard to the amenity of adjoining occupiers the properties, there are no side windows proposed in the extension and as such there will be no overlooking from this aspect. This can also be controlled by a suitable condition in relation to future openings. The main windows overlook the rear but are not considered to be significantly harmful to adjoining properties to merit refusal on this aspect. Likewise the separation to the rear boundary with No.4 Seaton Lane is sufficient to ensure that there is no harmful loss of privacy to this property.

With regard to 45 and 47 Lyminster Road and 4 Seaton Lane given the separation distance to these properties and L shaped design it is not considered the proposed development would be unduly dominant upon or lead to a loss of outlook to these properties.

With regard to the adjoining property to the west, No.3, this property is an irregular shape with a side extension adjoining the boundary with No.1, which is set behind the rear elevation of the No.1. This part of the property has a rear window to what appears to be a bedroom. The proposed extension would breach a 45 degree line from this existing window. However, it is understood that this room is dual aspect with a window in the front elevation. Therefore, although there is a technical breach of the 45 degree line given the light and outlook gained from the other window it is considered that the existing room will retain a reasonable residential living environment. Therefore, it is considered that, on balance, the proposed development would not be so harmful to the outlook or be so dominant upon No.3 as to merit refusal for this reason.

Therefore, in summary, it is considered that there would be no adverse harm to the living conditions of neighbouring properties and to the character and appearance of the host property. As such the proposal would comply with adopted planning policies in the Arun Local Plan 2003 and the NPPF.

Therefore, the application is 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 site plan, 1801/001, 1801/002, 1801/003, 1801/004, 1801/005, 1801/006 & 1801/007A

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 (other than those shown on the plans hereby approved) shall be formed in the east or west elevation walls of the extension facing No.45 and 47 Lyminster Road and No.3 Seaton Road, respectively, 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, 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.