

REPORT UPDATE

Application No: LU/352/14/HH

Reason for the Update / Changes

Reason for Update/Changes:

The first paragraph of the report 'Description of Application' has been amended to delete reference to the rear dormer which does not form part of the proposal.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/352/14/HH

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

REF NO: LU/352/14/HH

LOCATION: 5 Peel Close
Littlehampton

PROPOSAL: Single storey rear extension with demolition of existing store & two storey side extension & conversion of existing loft space (resubmission following LU/248/14/HH). This application may be determined by Littlehampton Town Council under delegated powers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a rear single storey extension measuring 5m by 11m with a height of 2.8m and a 2 storey side extension measuring 2.9m by 10.5m with a height to ridge of 7.2m. The proposal would add an ensuite and enlarged bathroom at first floor and an enlarged ground floor open plan living space and bathroom.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1m high walling to site frontage. Close boarded fencing to rear garden

SITE CHARACTERISTICS

Property is located in the corner of a short cul-

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de-sac. It is one of a pair of semi-detached 2 storey dwellings with brick elevations and plain tiled roof. Hard surfaced parking to front. Adjoining property has had ground floor extensions. Garage compound to south.

CHARACTER OF LOCALITY

Predominantly residential characterised by semi-detached properties of similar design facing onto road and set back behind wide grassed verges. Some dwellings have been extended and altered at ground floor.

RELEVANT SITE HISTORY

LU/248/14/HH	Demolition of existing store, addition of single storey rear extension, two storey side extension with room in roof and conversion of loft with rear dormer. This application may be determined under delegated powers by Littlehampton Town Council.	Withdrawn 17-10-2014
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REPRESENTATIONS

Representations received:

None

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: [GEN7](#)
[DEV19](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Extensions to existing residential buildings
D SP1 Design
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

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.

The above policies from the Littlehampton Neighbourhood Development Plan are considered relevant to this application.

Upon consideration of these policies, the proposal is in conformity/conflict with these policies.

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. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies GEN7 and DEV19 and policy DDM1 of the Emerging Local Plan which seek to prevent development that would have an adverse impact upon visual and residential amenities.

PLANNING HISTORY

The application follows an earlier withdrawn application. The proposal has been amended by reducing the size of the rear dormer so that it now constitutes permitted development and reducing the height of the 2 storey side extension by 0.3m.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a two storey side extension and single storey rear extension to provide an additional bedroom, en-suite and bathrooms and general living space.

The property is at the end of a cul-de-sac which exhibits strong design uniformity and is characterised by semi-detached paired properties with significant space to their side boundaries. The site is located in the corner of the cul-de-sac. The proposed 2 storey extension would have a ridge height that is lower than the existing dwelling and would appear as a subservient extension to the main dwelling. Space would be eroded between the properties but given that the extension would be set back 0.5m behind the front elevation of the proper it is not considered that the proposal would harm the visual amenities of the locality.

The size of the rear dormer has been reduced since the earlier application on the site and now constitutes permitted development. It cannot therefore be considered as part of the application.

It is considered that the proposal complies with policies GEN7(ii) and DEV19(i), (iv) & (v) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The two storey extension abuts the side boundary with a garage compound and would not result in any materially adverse overbearing or overlooking effects or loss of amenity to no 4. The single storey extension to the rear would be flat roofed and 2.8m in height. The Council have adopted a 45-degree rule as a tool to balance the interests of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbours outlook or daylight. In this instance the mid-point has been taken from the bedroom window of the neighbouring property No 6 and the proposal does not accord with this rule. It is considered that the extension by reason of its single storey nature would not create a material loss of daylight and outlook. It would extend 5m to the rear and would be set in 0.4m from the boundary. It would not project significantly above boundary screening. It would therefore have an acceptable impact on the residential amenities of no.6 which has a long rear garden.

It is therefore recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 neutral 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).

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 14008/01 and 14008/02r3.

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 roofs 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 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

- 5 **INFORMATIVE:** This permission does not purport to grant permission for the dormer extension indicated on the submitted plans which is indicated as permitted development.