

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

REF NO: LU/357/17/HH

LOCATION: 6 Northway Road  
Littlehampton  
BN17 1JX

PROPOSAL: Single & part two storey rear extensions.

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| SITE AND SURROUNDINGS |
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DESCRIPTION OF APPLICATION

This application has been the subject of pre-application advice.

It is proposed to demolish the existing 2.95m deep conservatory at the rear of this property and to erect a two-storey rear extension. This will be comprised of:

1. A ground floor element measuring 4.5m in width and 4.5m in depth. This would be set in 1m from the west boundary with no.5 which adjoins in this terrace and 0.3m in from the east boundary with no.7 in this terrace.

2. At first floor, an L shaped element to the extension which would be 4.5m deep by 3.15m wide on the west side closest to no.5 and 2.45m deep and 1.95m wide on the east side closest to no.7. The first floor would over sail the ground floor on the west side and would be within 0.3m of the boundary with no.5. It would be 0.3m from the east boundary with no.7 like the ground floor, although the depth adjoining no.7 means that there is a 2.5m by 2.95m flat roof element adjoining no.7.

3. A hipped back roof with 2 ridge levels extending out from the existing rear roof plane due to the L shape of the first floor. These would be 6m and 6.6m and be slightly lower than the existing 6.8m ridge level. Eaves would be 4.8, similar to the existing dwelling. There would also be 2 small roof lights inserted into the existing rear roof plane, 1 on each side of the ridge(s) of the proposed first floor.

No side windows are proposed in the extension. The ground floor would have bi-fold doors across much of the width of the extension. At first floor there would be 2 windows, 1 to each of the 2 proposed new bedrooms.

The ground floor extension would be for a family room. This extension is set in from the boundary with no.5 to allow for an existing narrow window to be relocated slightly and retain a

limited element of outlook an light.

The application forms indicate that matching materials are proposed, which would be brick at ground floor and render at first floor. However the drawing as proposed indicates what appears to be render a ground floor and horizontal 'cementatious planking' it first floor.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

To the rear there is an existing conservatory and adjoining the rear site boundary is a wooden outbuilding across the width of the garden. Side boundaries are 1.8m wooden panel fencing.

SITE CHARACTERISTICS

The dwelling is two-storey mid terraced. To the front there is a reasonably lengthy paved drive which leads to parking in front of a relatively limited front garden depth. In common with others in the terrace, the dwelling is brick at ground floor and rendered at first floor. Roof tiles to the dwelling are small plain red/brown tiles. To the rear there is an existing conservatory and adjoining the rear site boundary is a wooden outbuilding across the width of the garden. Side boundaries are 1.8m wooden panel fencing. The existing rear conservatory is 2.95m in depth and 5.2m in width in width across most of the rear of the dwelling. Eaves level is 2.2m and the top of the lean to roof is 2.85m. There is presently 1 modest roof light in the rear roof plane.

To the front there is a modest front garden. In front of this there is a paved parking area which could accommodate up to 4 cars in tandem (2x2) and a driveway linking this to the highway.

CHARACTER OF LOCALITY

The area is a residential one characterised by small terraces of between 3 and 4 dwellings and also by pairs of semi-detached dwellings. Dwellings in the immediate vicinity on this south side of the road are set back from the highway, many with front drives and parking areas in front of their gardens.

To the rear of the application dwelling, no.5 to the west has a rear conservatory. This dwelling has 2 relatively small windows, both serving non-habitable rooms and obscure glazed. No.7 to the east has a single storey rear extension with large rear window to a bedroom above.

RELEVANT SITE HISTORY

PAA/115/17/2 storey rear extension to replace existing single storey extension. Proposed extension to be full width of property less approx. 100mm to each boundary & 4.500 overall depth

Approve Pre App 21-08-17

Advice given in the pre-application enquiry response was

Of particular note, the policy places an emphasis on extension(s) being visually integrated with the existing dwelling in terms of siting, design, form, scale and materials, and being visually subservient to the main building.

In considering whether an extension has adverse overshadowing/loss of light or overbearing impact, extensions should not normally project beyond a line taken at 45 degrees from the middle of habitable room floor windows. The 45 degree line is an important measure in gauging the impact of overshadowing/loss of light and overbearing impact. A strong justification needs to be put forward to set aside the 45 degree line measure.

At no.5 the only affected window at the neighbouring property would be a first floor obscure glazed window adjacent to the boundary of the terraced houses. The impact of the proposed extension would not be significant.

At no. 7 the rear windows adjacent to the boundary would be a bedroom window. The proposed two storey extension should not breach the 45 degree rule when drawing a 45 degree line from the centre of that first floor window on the eastern side of the rear elevation otherwise the application would risk being refused on loss of light and overbearing impact to that window.

The proposal is not considered to impact negatively on the character of the area given that it is situated to the rear of the dwelling. Without elevations it is difficult to assess the extensions impact on the host dwelling and whether or not it is in keeping. However, it is noted that the two storey extension partly replaces an existing single storey extension.

Based on the above comments and subject to a design that is sympathetic with the existing dwelling I conclude that were an application for planning permission to be submitted it would be likely to be approved.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Town Council raises no objection.

No.7 adjoining to the east has objection on the following grounds:

The two storey extension as it will give loss of light to a first floor bedroom and prevent westerly light reaching solar panels which are located on the roof of the single storey extension. In winter months the sun is low in the sky and there is little light to the rear of the property after midday. This extension will block sunlight even further. A substantial sum has been invested as a pensioner in sustainable energy to enable cheaper energy bills throughout retirement. The reduction of light will reduce the amount of energy fed in to the national Grid and thereby reducing income from the Feed in Tariff.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The amenity impacts of the extension are a material planning consideration, which will be assessed in the conclusions section, however the impact on energy bills and loss in income from the

Feed in Tariff is not.

## CONSULTATIONS

Archaeology Advisor

### CONSULTATION RESPONSES RECEIVED:

None

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted

## POLICY CONTEXT

Designation applicable to site:

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

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

|                                                                       |                                                      |
|-----------------------------------------------------------------------|------------------------------------------------------|
| <u><a href="#">Littlehampton Neighbourhood Plan 2014 Policy 1</a></u> | The Presumption in Favour of Sustainable Development |
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| Littlehampton Neighbourhood Plan 2014 Policy 2 | A Spatial Plan for the Town |
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### 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.

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.

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.

Littlehampton has a Made Neighbourhood Plan and Policy 1 & 2 are 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 boundary of the built up area and as such there can be no objection to the principle of development subject to compliance/consistency with the policies and all other material considerations.

##### DESIGN AND VISUAL AMENITY

The rear extension has a subservient appearance and is not intrusive visually. It is also sympathetically designed. Materials can be addressed by condition. Overall the development is therefore considered to

preserve the character and appearance of the dwelling and not to result in harm to visual amenity. It is therefore considered to be in accord with policies.

#### RESIDENTIAL AMENITY

The development to the rear of the dwelling does not result in encroachment into the 45 degree outlook from the rear extension to no. 7 to the east at ground floor, since this adjoining dwelling has a ground floor rear extension with no side windows of similar depth to the extension proposed. The proposed extension has also been design at first floor so as not to encroach into the 45 degree outlook from the rear first floor window of no.7. The proposed extension is also not unduly dominant close to the boundary given the existing rear extension to no.7.

The impact on no.5 will mainly be on the side elevation of the conservatory, this is however already mainly screened by fencing and in addition achieves main light from the rear west side. The light impact on the conservatory is not considered harmful for these reasons.

The rear extension will impact on the small obscure glazed windows at no.5, but these are very much secondary windows and do not serve main habitable rooms. For this reason the impact on light and outlook to these windows is not considered unacceptably harmful. There is no encroachment into the 45 degree outlook for the main rear first floor window of no.5.

There will be impact from the west side wall of the proposed extension, as this will introduce a 2 storey element close to the boundary. However, the lower height of this part of the proposed extension reduces impact and it will adjoin a smaller narrower and not intensively used part of the garden. It is not considered that the proposal will be unreasonably dominant in terms of impact on the main rear garden area of no.5.

Overall the development will have a limited impact on adjoining dwellings, but not one which would be unacceptable in terms of amenity. It is therefore considered to be in accord with policies.

#### GENERAL

Parking provision at the site remains satisfactory at up to 4 car spaces. Refuse and recycling facilities at the site will remain as existing and are considered to be satisfactory

#### IMPACTS RAISED BY NO. 7

Light impact has already been dealt with in this report and it is not considered that unacceptable impact arises. Regarding the impact on the solar panels, there will be an impact and no doubt some loss of sunlight to the roof of the rear extension/panels. However, the impact is limited and it is not considered that this would be a sufficient ground to justify a refusal of permission. It would not be reasonable to withhold planning permission since the adjoining occupier had opted to place panels on the roof of their extension, particularly as these could potentially be moved elsewhere to achieve the same if not better level of energy generation.

#### CONCLUSIONS

The proposed development is in accord with the Development Plan and acceptable in terms policy and material considerations.

It is therefore recommended that planning permission be granted subject to conditions.

#### 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 drawings:  
  
Drawing Number 17/4453/2 - Location & Block Plan - Submitted with Application  
Drawing Number 17/4453/4 - Proposed Plans, Elevations & Sections - Dated October 2017  
  
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 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 shall be formed in the west and east side elevations at ground or first floor level of the development hereby permitted 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.
- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 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.