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

REF NO: **LU/44/17/HH**

LOCATION: 35 Thorncroft Road
Littlehampton

PROPOSAL: Conservatory to rear

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The construction of a rear conservatory on a two storey rear outrigger extension on the south side of the rear elevation of the existing dwellinghouse. The proposed conservatory would be 5.8 metres in width and extend 3.7 metres from the existing rear elevation at a hip roofed height of 2.1 metres to eaves and 3.2 metres maximum adjoining the dwellinghouse.
SITE AREA	493 sq.m.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence to the rear garden on all sides.
SITE CHARACTERISTICS	A modern semi detached property with a two storey extension on the south side of the rear elevation. The adjoining semi detached property has a mirror two storey rear extension and a ground floor conservatory along the shared boundary. The property has a 30 metre long back garden. It is located next to a corner plot to the south which has a houseplot set at a 45 degree angle to the applicant's property.
CHARACTER OF LOCALITY	A residential neighbourhood of similar two storey semi detached and terraced properties.

RELEVANT SITE HISTORY

LU/206/03/	Two storey rear extension (amendment to the pitch roof following planning permission	ApproveConditionally 28-07-2003

LU/49/03/)

The proposed conservatory would be constructed on the rear of an existing two storey rear extension which projects 5 metres from the rear elevation of the original dwellinghouse. The neighbouring property has a similar two storey extension.
Permitted development rights were removed to insert windows in the south elevation of the two storey rear extension.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
PUBLIC SEWER ON SITE
PD RESTRICTION

DEVELOPMENT PLAN POLICIES

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 and Alterations to Existing Buildings (residential and non-residential)

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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; Kingston; Littlehampton; Rustington; Walberton; Yapton.

No policies within the Littlehampton Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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 situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The proposed rear conservatory would be subservient to the existing dwellinghouse and would not be visible from the street scene. For those reasons the proposal would not be considered to have an adverse impact on visual amenity and in accordance with policies GEN7(ii) and DEV19 (i) and (ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

35 Thorncroft Road already has a 5 metre projecting two storey extension to which this ground floor conservatory would add a further 3.7 metres. The properties in this area have long rear gardens and properties to the rear would not be impacted upon.The only neighbouring properties potentially affected are the neighbouring semi detached property no. 33 to the north side and the corner property due south of the proposed extension no. 37 Thorncroft Road.

The proposed conservatory would have a height of between 2.1 metres and 3.2 metres with no windows overlooking the neighbouring properties above the fence height therefore there would be no issues of a loss of privacy. As the built form of the proposed extension would not be significantly higher than the shared boundary fence an overbearing impact on neighbouring properties windows would not be caused.
No. 37 Thorncroft Road is to the south of the proposed extension and therefore there would be no loss of light caused by the proposed extension. Given the set back of the proposed conservatory extension of 4.3 metres from the shared boundary with the neighbouring semi detached property and the existence of a rear conservatory along the boundary and a two storey extension behind, the built form would not intersect a 45 degree line drawn from centre of the windows on the rear elevation of the neighbours conservatory and therefore it is not considered that the proposed

conservatory would cause harm due to a loss of light on the neighbouring semi detached house to the north.

As such the proposed rear extension is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and as such is considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY
The proposed rear extension is considered to accord with relevant development plan policy and is therefore 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;

Block Plan received on 8th February 2017
Proposed Side Elevation (south) received on 8th February 2017
Proposed Side Elevation (north) received on 8th February 2017
Proposed Rear Elevation received on 8th February 2017
Proposed Floor Plan dated 02/02/2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.

3 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.