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

REF NO: **LU/54/17/HH**

LOCATION: 5 Camelia Close
Littlehampton

PROPOSAL: Extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is for a first floor extension 2.8m wide and 8m deep with a ridge height to match the existing dwelling.
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	Site frontage open. Fencing to side boundaries
SITE CHARACTERISTICS	Semi detached 2 storey dwelling with garage to side. Parking available across site frontage for up to 3 cars.
CHARACTER OF LOCALITY	Predominantly residential characterised by 2 storey detached/semi detached dwellings of varying design and materials.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - It was considered that the loss of the garage will have an adverse impact on the residential amenity of neighbouring properties by virtue of the fact that it will force more cars to use the street for
parking and exacerbate parking problems already experienced by residents in the area.

One Objection - Significant increase of height to the existing extension is not in keeping with the original design of the estate and will reduce natural light and visibility encroaching neighbouring surroundings.
In particular, the morning sunshine footprint will be reduced on the existing patio area and conservatory of No 29 Bluebell Drive located adjacent to the back garden of 5 Camelia

Close.
The natural air spacing between No's 5 and 3 at second story and roof line will effectively be removed. This gapping is already at a premium for houses along the west side of Camelia Close.
The inclusion of roof lights is not in keeping with the estate design.
Lastly, the permanent removal of the garage facility to that of play room removes secure parking facility for both current and future occupants, amplifying an already under pressure parking situation within that close that with the proposed increased living space will attract potential future demand.

Comments on Representations received:

Even though parking within the garage area would be lost adequate parking would be retained across the site frontage for at least 3 cars.
Insertion of roof lights would generally be permitted development and is not considered to be out of keeping. They are not overly large or dominant.
Given the 8.6m distance to the property to the rear it is not considered that there would be a materially adverse overbearing impact or loss of light to this property. However it is considered that the proposal has a materially adverse impact on the residential amenities of 3 Camelia Close and that the dwelling as a result of the extension would appear overly dominant in the street scene.

CONSULTATIONS

Arboriculturist

Consultations responses received:

None. The proposal has no impact on any trees.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		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
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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to a NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are no policies in Littlehampton Neighbourhood Plan relating to this specific type of 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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties, and 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 application site is situated within the built up area and within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

DESIGN
The proposed first floor side extension would be built on top of the existing garage. The character of the area is derived from mainly detached 2 storey dwellings with limited space to the side boundaries. The application dwelling is one of the only pair of semi detached properties in the road which currently has a wider roof than the detached dwellings with a greater space to both site boundaries. The proposal will increase the length of the dwelling at first floor and, therefore, alter its appearance within the street scene. It is accepted that the extension would not project forward of the existing dwelling frontage and would therefore not disrupt the linear arrangement of dwellings that front this section of the road. However, it is one of a pair of semi-detached dwellings that are similar in appearance. The dwelling to the north has not been extended at first floor. The extension would not be set down below the existing roof ridge line and would add an additional third to the volume and width of the roof. It is not therefore considered that the extension would be subservient to the host property. It would also unbalance the present symmetrical appearance of the pair of dwellings which would adversely affect the visual amenities of the area and result in a bulky and visually dominant dwelling. The site comprises one half of the only semi detached properties in the road and the increased width and bulk of the properties

would make the pair of dwellings uncharacteristically wide and dominant in the street scene.
Policy DEV19 of Arun District Local Plan requires extensions to be (i) sympathetically related to and visually integrated with the existing dwelling in terms of form and scale and to be (iv) subservient to the main dwelling, The design of the extension and its height mean that the proposal is neither. The proposal is therefore contrary to policy DEV19 . It would also result in material harm to the visual amenities of the locality in conflict with policy GEN7.

RESIDENTIAL AMENITY
The proposed extension has no windows in its side elevation and would not therefore result in any materially adverse overlooking effects and given its height and the distance to site boundaries it is not considered that the proposed first floor extension adversely affects the residential amenities of neighbouring properties to the rear. However it is considered to be overbearing on the adjoining property to the south and its garden. The extension would be 1m from the boundary and would extend 3.4m beyond the rear elevation of the neighbouring dwelling with a height of 4.5m to the eaves which would result in materially adverse overbearing effects.

The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously impact upon neighbours outlook or daylight. In this instance the mid point has been taken of the neighbours rear window and the proposal does not accord with this rule.

As such it is considered that the proposed two storey extension would have an unacceptably adverse overbearing impact upon 3 Camelia Close due to its failure to comply with the 45 degree rule and its close proximity to the rear first floor window. The proposal will feature a solid brick elevation at first floor level and given its depth and proximity to the window the proposal is considered unacceptable.

Therefore, the proposal is considered to conflict with policy GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

CONCLUSION
The proposed development is therefore recommended for refusal for the following reasons

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 refusal 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

REFUSE

1 Given the height, proximity to the boundary and size of the first floor side extension it would not be subservient to the main dwelling and result in an unbalanced appearance to the pair of properties and would be visually obtrusive and out of keeping in the street scene contrary to policies GEN7 and DEV19 of Arun District Local Plan and the NPPF.

2 Given its height and close location to the rear garden of 3 Camelia Close the proposed first floor extension would be unneighbourly and detrimental by way of loss in daylight and sunlight to the amenities of the occupiers of 3 Camelia Close in conflict with policies DEV19 and GEN7 of the Arun District Local Plan.

3 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) 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.