

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

REF NO: LU/83/21/HH

LOCATION: 49 Northway Road
Littlehampton
BN17 7JX

PROPOSAL: Erection of first floor rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for an erection of first floor rear extension above the single storey rear extension. The extension would project by 3m from the rear elevation of host property at first floor level and would be supported by a pillar on the west side. It would have the full width of dwelling and would be characterized by 3.2m high flat roof which would protrude above the eaves of dwelling by 0.9m, therefore partially visible from the street view. Two windows would be inserted on the rear elevation. The extension would be timber cladding and would consist of 2 bedrooms.
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RELEVANT SITE HISTORY

LU/257/16/HH	Single storey rear extension. Resubmission LU/69/16/HH	ApproveConditionally 21-10-16
LU/69/16/HH	Two storey rear extension & single storey rear extension.	Refused 26-05-16
LU/223/07/	Demolish single storey extension and construct enlarged single storey extension at rear of property. (Resubmission following LU/66/07/)	ApproveConditionally 13-07-07
LU/66/07/	Demolish single storey extension and construct two storey extension at rear of property	Refused 11-04-07

REPRESENTATIONS

Littlehampton Town Council: An objection.

- The overshadowing caused by the extension would have an adverse impact on the residential amenity of the neighbouring properties.

3 letters of support:

- it will not have an adverse affect on the residential amenity or natural light as the gardens are north facing. Number 47 already has a similar first floor extension.
- Any increase in height will not significantly exacerbate the existing situation to both neighbouring properties regarding over-shading and/or loss of light.
- A lot of properties in the road have 2 storey extensions.

3 letters of objection:

- The extension will obscure any natural view as we will be looking at a wall and will block light.
- Concern of losing natural light in garden which I already lose from the ground floor extension, shading from the ground floor extension already shades my garden.
- The extension will have a negative impact on natural light being blocked out by the extension.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary;
PD Restriction;
Archaeological Notification Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of the application.

The Arun Design Guide Supplementary Planning Document (SPD) adopted on 25th January 2021 is a material consideration. Part M deals with Extensions requires the scale, massing and positioning of extensions should be visually subservient to the existing property in order to ensure that the latter remains the dominant form; privacy can be maintained by locating and designing windows to prevent overlooking. Extensions should preserve the amenity of the original and neighbouring properties in terms of privacy and overshadowing.

DESIGN AND VISUAL AMENITY

The first floor rear extension by virtue of its design and materials proposed (which would detracted from those of the existing dwelling) would not be integrated with the dwelling and due to its size would fail to appear subservient to the dwelling.

The proposal would be partially visible in the street scene when viewed from the south of the site due to its location and design. Northway Road runs along the rear boundary and the extension would be clearly visible from the north. The first floor rear extension fails to respect and compliment the property and established character of local area, would appear dominant and incongruous in the area. It would conflict with those aspects of Policies D DM1 and D DM4(a, b) of the Arun Local Plan and Arun Design Guide.

RESIDENTIAL AMENITY

The extension would be located on the east boundary of the site and 1.5m from the western boundary. The proposal is not considered to give rise to unacceptable overlooking of neighbours.

The Council 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 extensions do not seriously impact upon neighbours outlook or daylight. In this instance the mid point has been taken of the neighbours first floor window and the proposal does not accord with this rule.

The proposal would expose 5.7m high and 3m deep flank wall of the first floor rear extension situated on the shared boundary with No 50 to the east within a close proximity to their first floor bedroom window. As a result the development would have an unacceptably adverse overshadowing and overbearing impact upon the first floor bedroom of 50 Northway Road. A first floor extension of the same depth but different roof design was refused under reference LU/69/16/HH for the same reason.

The proposal is considered to conflict with policy D DM1(3) and D DM4 (c) of the Arun Local Plan.

SUMMARY

The extension would be incongruous with the existing development and detrimental to the residential amenities of adjoining properties, particularly 50 Northway Road to the east in conflict with policies D DM1 and D DM4 of the Arun Local Plan and Arun Design Guide and it is recommended that permission is refused for the below reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 The extension by virtue of its height, bulk and close proximity to the east boundary of the site will have an unacceptable overshadowing and overbearing impact on 50 Northway Road, in conflict with policies D DM1(3) and D DM4(c) of the Arun Local Plan, the National Planning Policy Framework and Arun Design Guide.
- 2 By reason of the siting, scale, massing and design of the extension, the proposal would result in an incongruous addition, would fail to be visually subservient to the host property therefore being harmful to it and to visual amenity of the area, contrary to policies D DM1 and D DM4 of the Arun Local Plan, the National Planning Policy Framework and Arun Design Guide.
- 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 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.