

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

REF NO: LU/96/13/

LOCATION: 49 Lansdowne Road
Littlehampton

PROPOSAL: Single storey extension to rear/side of property under flat roof

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension measures approximately 2.4 metres in width by 3.6 metres in depth and 3 metres in height.
SITE AREA	Approximately 415 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Predominantly 1.8 metre high timber fencing within rear garden. Part of northern boundary marked by 2 metre high concrete block wall.
SITE CHARACTERISTICS	The site is occupied by a detached chalet style dwelling which has red brick elevation walls and a tiled, gable roof. Single-storey flat roof extensions have been added to the side (southern) and rear elevations.
CHARACTER OF LOCALITY	The site is located on a residential road that is lined by clusters of detached bungalows/chalets, semi-detached bungalows/chalets and semi-detached and terraced two-storey dwellings which are set out in a relatively linear arrangement.

RELEVANT SITE HISTORY

LU/251/83	Erection of single storey extension to lounge/kitchen	Approve Conditionally 07-06-1983
LU/89/86	Garage conversion/extension	Approve Conditionally 28-04-1986

REPRESENTATIONS

Representations received:
Littlehampton Town Council
No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

The Development Plan consists of the Arun District Local Plan.

It should be noted that the Arun District Local Plan was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

The proposed extension will provide a link between existing single-storey flat roof extensions to the side and rear of the dwelling. Its low profile and positioning behind existing features will prevent it from having any significant visual presence within the street scene and, therefore, the existing character and appearance of the surrounding area will be maintained.

It is considered that the modest proportions of the proposed extension will ensure that it maintains visual subservience towards the host dwelling, even when seen cumulatively with the existing extensions. In addition, the flat roof design will compliment existing extensions and help integrate the various extensions made to the dwelling into one contiguous and uncluttered feature.

With regards to the amenities of neighbouring residents, the proposed extension will be built up to the southern site boundary, with the southern elevation facing onto the neighbouring site, as is the case with the existing side extension. It is considered that the modest height of the elevation wall, coupled with the fact that it will run alongside the flank wall of a similar extension at the neighbouring property, will ensure that the proposed extension does not have an unacceptable adverse impact upon neighbouring residents by way of overshadowing or overbearing.

Further, any views from north elevation ground floor windows towards neighbouring property will be obstructed by existing site boundary treatment, thereby safeguarding the privacy of nearby residents. Given that the southern elevation of the extension will face directly onto the neighbouring property, forming the boundary wall, it would be considered prudent to attach a condition prohibiting the formation of windows in this elevation without the prior written approval of the Local Planning Authority.

It is therefore recommended that the application is approved, subject to the following 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 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 it has been deemed that the development would have a neutral impact 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:-

12080/01;
12080/02;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof 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 No windows shall be constructed in the southern elevation of the extension hereby permitted which adjoins the side boundary with 51 Lansdowne Road without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential

report

amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 6 **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.