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

REF NO: LY/21/17/HH

LOCATION: Pindars
Lyminster Road
Lyminster
BN17 7QF

PROPOSAL: Single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish the existing Western rear extension and replace with an extension that covers the same area, but joins with the retained rear extension.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the site is open plan, whereas the rear of the site is bordered by mature foliage.
SITE CHARACTERISTICS	The site is populated by a large two storey dwelling. It sits on a large plot, and has only one adjoining neighbour.
CHARACTER OF LOCALITY	The area is populated by a mix of housing styles and types. It is noted that there is a large amount of open space surrounding the properties.

RELEVANT SITE HISTORY

LY/1/96	Addition of lean-to conservatory	ApproveConditionally 05-02-96

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Lyminster Parish Council - No comments received.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
DEV19	Extensions to existing residential buildings
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality

C SP1 Countryside

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

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.

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).

Lyminster does not have a 'made' neighbourhood plan.

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 application site is situated outside of the built up area boundary as defined by GEN2 of the Arun District Council Local Plan. However, the proposal is for extensions to an existing dwellinghouse and as such the principle of development is acceptable in accordance with GEN3(v) of the Arun District Local Plan subject to the proposal complying with relevant Development Plan Policy (DEV19 found in Part 2 of the plan). In this case, the key policy considerations are deemed to be GEN7 and DEV19 of the Arun District Council Local Plan.

DESIGN AND VISUAL AMENITY
Due to the location of the proposal, found at the rear, it is not visible from the street scene and therefore is not deemed to have an unacceptably adverse impact on the established spatial pattern of the locality. The proposal is deemed to be subservient to the host dwelling due to its modest scale, and therefore retains the established character of the dwelling, and therefore the visual amenity of the area.

The extension will continue to the roofline of the existing rear extension. This is considered to make the proposal well integrated with the design of the host dwelling. The proposal is deemed to be in keeping with the established character of the area and materials to match the existing dwelling will be ensured via condition.

The proposal is therefore deemed to be in accordance with policy GEN7 and DEV19 of the Arun District Council Local Plan in terms of design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY
The development would be single storey, approximately 3m in height and of a modest depth. As such it is not considered to be overbearing or visually intrusive to the residential amenities of the nearby dwellings, due to both the proposals modest design, and the separation distance of over 25 metres to the adjacent property. As such, the proposal is considered to be in accordance with polices GEN7(iv) and DEV19(iii) of the Arun District Council Local Plan.

SUMMARY
The application is recommended for approval, 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 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

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 - 14/47/3
- EXTENSION - 17/47/2

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 The materials and finishes of the external walls of the development 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 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.