

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

REF NO: LY/4/17/HH

LOCATION: Pauls House
254 Church Lane
Lyminster

PROPOSAL: Replace existing conservatory with new single storey building, insert a new dormer window on rear elevation, remove the existing lean-to on rear elevation & replace with a glass roof veranda, insert new roof light in front elevation, carry out some internal alterations to the existing layout. This application affects the character & appearance of the Lyminster Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application includes removal of a conservatory and rear covered area and their replacement with a single storey side extension measuring 4.7m by 5.6m with a pitched roof with a ridge height of 4.5m and rear covered area measuring 4.2m in length, 2.2m in height and 2m in width.

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

1m high flint wall to site frontage enclosing side garden and hedging to 2m. Fencing/hedging to rear garden boundaries.

SITE CHARACTERISTICS

Semi detached 2 storey dwelling with brick elevations and a plain tile roof. Single storey UPVC conservatory to side and lean-to rear projecting approx. 2m with a sloping roof.

CHARACTER OF LOCALITY

Predominantly rural. Small enclave of properties of varying age and design centred on the church.

RELEVANT SITE HISTORY

LY/15/87	Extensions at ground floor level to two private dwellings, demolition of two garages and the provision of three new garages	ApproveConditionally 15-02-1988
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LY/28/06/	Provision of garage.	ApproveConditionally 05-01-2007
LY/14/71	Garage	Approve 24-09-1971

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee - No Objection. Good quality materials to be used together with Conservation style roof windows.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within Conservation Area
Building of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA2](#)
[GEN7](#)
[DEV19](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Conservation Areas
The Form of New Development
Extensions to existing residential buildings
HER DM3 Conservation Areas
HER SP1 The Historic Environment
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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.

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; Littlehampton; Rustington; Walbarton; 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

Whilst an NDP is under preparation it will be afforded limited 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).

Lyminster does not have a 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 area boundary where development is resisted in order to protect the Countryside. However, In the case of this application it is the provision of a conservatory and covered way to an existing residential property and as such the principle of the development is considered acceptable. The key policy considerations in the determination of this application are policies AREA2, GEN7 and DEV19 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed extensions would replace existing structures. They would be single storey and of limited proportions. The lounge side extension would be set back from the front elevation of the dwelling. It is proposed to condition the materials to ensure it is fully integrated. The proposals by virtue of their size and design are considered to appear well integrated and subservient to the host dwelling in accordance with policies DEV19(i) and (ii) of the Arun District Local Plan.

The proposed lounge due to its design is considered to appear in keeping with the established character of the host dwelling and the wider locality. Therefore, the proposal is considered to accord with policy GEN7(ii) of the Arun District Local Plan. Due to the height of the existing boundary treatment, the design of the side extension and its position in relation to the site boundaries (3.5m from the front boundary and 1.5m from the side boundary) it will not be prominent or obtrusive within the street scene and as such is not considered to have an adverse impact upon the established spatial pattern of the street scene in compliance with policy DEV19(v) of the Arun District Local Plan. The rear covered area would not be readily visible from outside the site.

Due to the subservient nature of the replacement structures, their design and their limited impact on the street scene it is considered that the extensions would have a neutral impact on the character of the Conservation Area in accordance with policy AREA2 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed side extension would have exactly the same footprint as the existing conservatory and would retain a gap of 1.5m from the side boundary. Due to the location and design of the

proposal it is not considered to give rise to any unacceptably adverse overlooking, overbearing or overshadowing impacts on neighbours and as such is deemed to accord with policies GEN7(v) and DEV19(iii) of the Arun District Local Plan. The rear extension comprises a covered way which is no deeper than the existing lean to and is located in the same position in relation to the western side boundary. It is slightly higher (30cm) than the existing and extends closer to the eastern side boundary retaining a 1.5m gap to the boundary. This is considered to be adequate to prevent any materially adverse impact on the residential amenities of the neighbouring properties.

SUMMARY

The proposed extensions are considered to accord with relevant development plan policies and as such is 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 Location plan, Block plans Existing and Proposed , Ground Floor as Proposed, First Floor as Proposed and Elevations as Proposed.

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 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.