

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

REF NO: LY/9/13/

LOCATION: Old Vicarage Cottage
Lyminster Road
Lyminster

PROPOSAL: Refurbishment and enlargement of existing property to provide an additional bedroom with en- suite, ground floor reception and utility room.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal comprises two adjoining extensions, one to the north and the other to the south of the property. The extension on the northern elevation has a two storey element with a double hipped roof extending to the rear (east). The extension measures approximately 8.5m in length, approximately 6.7m at its widest point and approximately 6.5m at its maximum height. This extension involves the removal of an existing car port to the side of the property. The extension to the south is single storey and measures approximately 4m in width, approximately 5.6m in length and approximately 3.2m in height. Materials to match existing.
SITE AREA	Approximately 400 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To front, close boarded fencing at approximately 1.8m in height with trees and vegetation generally over 2m in height. To rear, a flint and brick wall at approximately 2m in height with well-developed hedging and trees.
SITE CHARACTERISTICS	A two storey detached property with flint elevations, brick quoins and brick capping around many of the windows. The roof is hipped with plain brown tiles. There is a detached garage and car port to side.
CHARACTER OF LOCALITY	Predominantly rural in character with fields to the north and south. The residential development is broadly linear in arrangement along Lyminster Road. A bridleway runs along the southern boundary of the site.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

Representations received:

Lyminster Parish Council
No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Class A Road
Building of Structural Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 site lies outside the built up area boundary where the principle of new development is unacceptable. In such locations, extensions and alterations to residential building will not be permitted, unless the proposal complies with Local Plan policy GEN7.

DESIGN AND VISUAL AMENITY

Both extensions by virtue of their size and location will remain visually subservient to the property. The extension to the north consists of a two storey element with a width extending approximately 4.3m in projection from the original property and a height of approximately 3.4m over the single storey extension. There is also a double hipped roof extending to the rear (east) but this does not exceed the existing ridge height of the roof.

The northern extension will lead to the removal of an existing car port and integrates a side garage within its form, thereby constituting a design improvement. The extension will be seen from Lyminster Road to the north but on account of good screening from the front boundary treatment comprising close boarded fencing and vegetation with a sufficient distance away from the northern boundary will not harm the character and appearance of the street.

Both extensions have materials that match existing ensuring good visual integration with the host property in accordance with Local Plan policy GEN7(ii). There are additional design touches as well such as brick quoin surrounds which is a feature of the property as a Building of Structural Character. The proposal is therefore considered to not adversely affect the appearance or setting of the Building of Structural Character and therefore also accords with Local Plan policy GEN22.

RESIDENTIAL AMENITY

Whilst the single storey element of the northern extension is situated within close proximity of the eastern boundary at less than a metre, its roof is hipped away from the boundary. This together with good screening from vegetation along this boundary are considered sufficient to mitigate any adverse effects on neighbouring residential amenity.

The two storey element retains approximately 0.9m separation from the eastern projection of the single storey extension which is necessary given its proximity to this respective boundary. In this way, the two storey extension is unlikely to give rise to any adverse effects on neighbouring amenities at a demonstrable level of harm. The same is true of the extension to the south which is only single storey in nature and situated in an area of the site with well developed vegetation as the boundary treatment.

It is therefore recommended that consent is granted, 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 privacy 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, a neutral effect has 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).

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: drawing numbers 13063/P001 (existing and proposed block plans), 130063/P100 (existing plans and elevations), 13063/P101 (proposed floor plans), 13063/P102 (proposed elevations), all dated April 2013.

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 roofs of the extensions hereby permitted shall match in colour and texture to those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the

report

Arun District Local Plan.

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

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7, GEN22, 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.

- 5 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.