

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

REF NO: M/102/14/HH

LOCATION: Sea Vale
5 West Drive
Middleton-on-Sea

PROPOSAL: Demolition of glazed flat roof extension to the rear of the property & replacement with a pitched roof extension & balcony. Demolition & replacement of eastern dormer.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 600 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Along front north and western boundaries there is close boarded fencing at over 1.5m in height. Close boarded fencing to the rear at approximately 1.8m in height with hedging and trees in places particularly along southern and eastern boundaries.
SITE CHARACTERISTICS	The site comprises a detached two storey dwelling with rough rendered elevations painted white and a pitched roof with plain brown tiles. The rear elevation has a two storey flat roof extension clad in PVCu and with a Juliette balcony at first floor level. There is a detached garage with a pitched roof to the front of the property.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties in the surrounding area in a wide variety of designs. A two storey block of flats is located to the west.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

One letter of support.

*Strongly support the application as this will improve the aesthetic demeanour of the property.

*The proposed development will enhance the experience of the local community as it faces the sea without any obstruction.

*The proposed development is long overdue and will improve 5 West Drive dramatically.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Fluvial Flooding)

Consultations responses received:

Engineers

Comment.

Surface water drainage for the new proposals must be considered - infiltration should be prioritised.

Please apply standard conditions ENGD2A. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

Comments on Consultation responses:

Comments noted. Drainage matters raised by the Engineers are covered at the building regulations submission stage.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)

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

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

MDS

Middleton-on-Sea Village Design Statement by
Middleton PC

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. The Middleton Neighbourhood Plan has not been 'made'.

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. Although the extension is not considered to be visually subservient to the host dwelling and so conflicts with policy DEV19(ii) of the Arun District Local Plan, it is considered in this particular application to be materially outweighed by the benefits of removing the current extension of poor design, creating innovative design in line with Paragraph 55 of the National Planning Policy Framework which supports new development that significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area in this case a coastal location. It is also clad in a material which will be used for the host dwelling to provide a level of integration not currently seen on the property.

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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to erect a two storey rear extension with a pitched roof and balcony. An existing two storey rear extension with a flat roof will be demolished in the process.

The current extension at two storeys in height is clad in PVCu and according to site history research does not appear to have planning permission. It is considered to be of a particularly unsympathetic design and detracts from the overall appearance of the property. Its removal through the substitution with the proposed extension is considered to bring visual benefit to both the property and also the wider area, especially given that the rear elevation has a public beach location.

Although the extension is not considered to be visually subservient to the host dwelling and so conflicts with policy DEV19(ii) of the Arun District Local Plan, it is considered in this particular application to be materially outweighed by the benefits of removing the current extension of poor design, creating innovative design in line with Paragraph 55 of the National Planning Policy Framework which supports new development that significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area in this case a coastal location. It is also clad in a material which will be used for the host dwelling to provide a level of integration not currently seen on the property.

The proposed two storey rear extension displays an innovative design that is considered acceptable in this particular coastal location and contributes to the wide variety of property styles

seen in the area. Although it has an original appearance, it nevertheless visually ties in with the host property particularly in the design of the pitched roof which is at the same angle as existing and the same cladding used throughout. It is therefore considered to be in-keeping with the dwelling and the range and inventive use of materials will help contribute to the improved look of the property.

It is therefore considered to be acceptable in visual amenity terms and complies with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The main consideration with the proposed rear extension is its effect on the property of no. 3 immediately to the east. Even though the extension is approximately 2.5m higher than existing, the pitch of the roof and a lower eaves level will help ensure that it does not cause any harmful overbearing or overshadowing effects.

The side facing rooflights will be angled up due to the pitch of the roofslope and are over 2m above internal floor level so there will be no opportunity for any harmful overlooking or loss of privacy to arise. The balcony will have louvered ends where the bulk is infilled. Consequently, any overlooking will not be harmful levels and has been sympathetically designed in this regard.

It is therefore considered that the proposed extension is acceptable in residential amenity terms and complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

It is therefore recommended that the application be 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 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, a neutral impact 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 number 1212-PA-001 (Existing location and block plan and ground and first floor plan) dated 11-2014, 1212-PA-013 (Proposed block plan) dated 11-2014, 1212-PA-003 (Existing elevations) dated 11-2014, 1212-PA-002 (Existing roof plan and sections) dated 11-2014, 1212-PA-004 (Existing plans) dated 11-2014, 1212-PA-010 (Proposed floor plans) dated 11-2014, 1212-PA-011 (Proposed floor plans and elevations) dated 11-2014, 1212-PA-012 (Proposed elevations and material palette) dated 11-2014, 1212-PA-100 (Proposal artist impressions) dated 12-2014.

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 shall commence until details and samples to be used on the external walls and roof of the rear extension hereby approved and the cladding used on the host dwelling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the property.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **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.