

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

REF NO: M/104/17/HH

LOCATION: 41 Sea Way
Middleton on Sea
PO22 7RZ

PROPOSAL: Alterations & enlargement of existing ancillary residential outbuilding including new single storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application has been slightly revised by the deletion of a formerly proposed sitting room/kitchen at first floor and the provision of only a sitting room. The applicant has also confirmed that the building would be entirely used as ancillary accommodation and will not be occupied separately and they are that be entirely happy to accept a suitably worded condition to this effect.

The development proposed is the conversion of the ground floor double garage to 1 bedroom and the demolition of an existing single storey garage and erection of an extension to replace it which would provide a further bedroom. This extension would be slightly deeper so as to be as deep as the existing larger building. It would have a mock pitch around a flat roof.

Existing south facing glazing would be largely retained, as would glazing in the sides. This viewing area would however become a more integral and accessible part of the sitting room as the first floor, the existing glazed viewing area would be replaced with one of more permanent construction.

Existing side stairs would be removed and a 1.65m wide lean to store provided. The stairs would be made internal to the building as altered.

Matching materials are proposed.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Boundaries are mixture of 2-3m high (3-4m in places) hedging and 1.8m fencing.

SITE CHARACTERISTICS

The site is occupied by a relatively modest detached dwelling which is constructed of a mixture of brick, render, tile hanging and small plain tiles. This is site in a prominent corner location

although behind a 3-4m hedgerow. In the south east corner of the site is the outbuilding which is the subject of these proposals.

CHARACTER OF LOCALITY

The locality is characterised by relatively low density residential development in a mature landscaped setting and has mainly been developed with a mixture of mainly two-storey dwellings.

RELEVANT SITE HISTORY

M/14/64	Garage	Permit'd Devel 08-05-64
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton-on-Sea Association has advised that its MOSA Management Committee would object unless conditions are imposed to ensure that the building would be occupied solely for purposes incidental to the occupation and enjoyment of 41 Sea Way as a dwelling and there is no use as a separate unit of accommodation or independent letting in any way. It considers that otherwise an over-intensive use of the site would take place and there would be an unsatisfactory relationship between independent dwellings.

1 representation has been received raising no objection and advising:

Perfectly sensible upgrade to an existing property which will enhance the buildings use and will add to the areas street scene with the high quality finishes proposed. I fully support this application.

1 objection has been received as follows:

Contrary to one other submission, this development would not add to the street scene. More importantly, the development could lead to an over intensification of the site. However, I would have no objection if conditions were imposed to ensure that the enlarged building is occupied solely for purposes incidental to the occupation and enjoyment of 41 Sea Way as a dwelling and not be used as a separate unit of accommodation, or let independently.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. A condition preventing the creation of a separate unit of accommodation is proposed. This would include its letting if it is done as a separate unit of accommodation and not a use incidental/ancillary to its lawful residential use.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Middleton Parish Council has advised that:

The committee unanimously objected unless the following conditions are imposed -

- 1) Conditions imposed to ensure the building which is the subject of the alterations and extensions if approved is used solely for the occupants of 41 Sea Way.
- 2) Not to be used as a separate unit of accommodation or to be let out in any way.

COMMENTS ON CONSULTATION RESPONSES:

Noted. See conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Middleton on Sea Estate Area of Special Character

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings
AREA1	Areas of Special Character

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

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
HER DM4	Areas of Special Character
QE SP1	Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD7	Middleton on Sea Village Design Statement
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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.

There is no Made Neighbourhood plan for Middleton on Sea. Middleton Parish Council are not currently in the process of preparing a neighbourhood plan and as such there are no relevant neighbourhood plan policies in the determination of this application.

The Middleton-on-Sea Village Design Statement (MVDS) has been prepared and regard must be had to this, although it has not been adopted by Arun district council for the purposes of development management and therefore carries limited weight. With regard to alterations and extensions, the MVDS overall seek to maintain the standards and quality of existing development.

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 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 is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in change to the appearance of the outbuilding. The impact of these changes are however limited. The main structure and roof will remain the same in terms of height and massing. The side staircase will be replaced by a limited lean to store. The single garage will be replaced by an extension which will have a mock pitch and will result in an improved appearance. The proposed works will not result in an increase in height or massing which would be unduly dominant in terms of dominance and proximity to nearby dwellings to the south and east. The proposed design of the building would not be unduly intrusive visually. There is also considered to be no detriment to the street.

It is therefore considered that the extensions/works are acceptable in visual amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The outbuilding is located close to the boundary with no.39 to the east and no.43 to the south. There is not considered to be an appreciable impact on no.39 to the east and if anything a reduction in potential impact as a result of the removal of the stairway and the internalisation of this. The new lean to store is single storey and the lean to will not impact on the glazed roof of this in terms of light. No.39 has no windows facing the site/lean-to.

The replacement garage also has little if any appreciable impact on amenity, since the top of the mock pitch low and adjoins the back of a garden structure at no.39.

The alterations to the existing viewing area do not result in an increase in glazed viewing area and as such do not increase the potential for overlooking or privacy loss beyond that which exists. It would therefore be very difficult to argue that this element of the proposal resulted in an increase in impact on amenity and therefore harm such that a refusal of planning permission was justified. In addition, this viewing area looks obliquely at across towards no.39 and southwards along to side of the rear garden of no.43. Neither dwelling has objected.

Whilst there is potential for impact, the present situation was not been worsened and the proposal is therefore considered to be in accord with policies.

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 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 drawings:

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 and DEV19 of the Arun District Local Plan.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 41 Sea Way as a dwelling and shall not be used as a separate unit of living accommodation or let independently or let as holiday accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings or accommodation.

- 4 The materials and finishes of the external walls and roofs of the development hereby permitted shall match in colour and texture those of the existing outbuilding.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.