

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

REF NO: M/10/15/HH

LOCATION: 37 Lane End Road
Ancton
Middleton-on-Sea

PROPOSAL: Side & rear single storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to demolish an existing garage located immediately to the rear of this dwelling and adjoining the side boundary. This would be replaced by a larger side extension and rearwards extension. The proposed extension would have a flat roof and provide a replacement garage further forward towards the front of the dwelling, with a bedroom to the rear and in addition a rear lounge area which would extend the dwelling rearwards along the boundary. A side bedroom window is also proposed facing the boundary. The garage would be 4m deep internally and the garage door opening would be 2.284m in width. The dwelling would be extended by 4m rearwards, but would not extend further back than the existing garage on the boundary, which extends a further 3m on the boundary at the present time.

SITE AREA

The site area is approximately 0.04 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

The immediate area is a relatively low density one and has been developed with bungalows and chalet bungalows with rooms in the roof space

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The application site has a wooden panel fence on the site frontage, this is up to 1.8m high approximately, although height varies due to its somewhat decorative design. The side boundary with no.39 adjacent is a chain link fence of approximately 1.5m up to the corner of the garage on the application site. The

garage wall then forms the side boundary.

SITE CHARACTERISTICS

The site accommodates a chalet type dwelling with a steep roof pitch and a room(s) in the roof. There is a dormer in the south facing roof plane but not in the north facing roof plane and there are no roof lights in the side facing roof planes, but there is a window in the front and rear gables. The dwelling has a gravelled parking and turning area to the front and the exterior has recently been renovated.

CHARACTER OF LOCALITY

The general character of the area is medium density, characterised by detached chalet type bungalows and bungalows, each of similar design.

RELEVANT SITE HISTORY

N/A

REPRESENTATIONS

Representations received:

Middleton Parish Council

Middleton Parish Council raises no objection.

The occupiers of the adjoining dwelling which the proposed development will extend towards have raised objections on the following grounds:

1. The extension would be only 1.112m from the objector's front door, which is located in the side elevation.
2. The 3m height of the extension is above the height of the guttering on the adjoining dwelling and the height will result in light loss through the front door, which has been changed to include glass panels to maximise light into the small hallway. both occupiers are disabled and require as much light as possible for safety reasons.
3. The extension will result in significant light loss to the small front corner bedroom of the adjoining dwelling.
4. Loss of sunlight to the side pathway serving the adjoining bungalow is likely to result in the growth of moss and make this slippery and dangerous for disabled users. This path already has to be cleaned once a year where it adjoins the existing garage.
5. Party Wall Act, Section 6. There is concern that excavations and foundations may cause harm to the adjoining bungalow and might also encroach onto/under that property.

In summary, the objector considers that the proposed extension will significantly decrease daylight/sunlight into/onto their property and has concerns about construction.

Comments on Representations received:

The front corner bedroom to which the objector refers also has small window in the front elevation of the bungalow. This would mitigate light loss to some degree, which would be limited given that the front most projection of the property will cast a shadow on it at some point in the day. The loss of light (and visual dominance, etc. - see later in this report) is

considered likely to be unacceptable.

The issue of potential encroachment is a private one and not a material planning consideration. There is no overhang and if developed foundations could be designed and provided without encroachment.

Party Wall Act issues are private matters and excavation and development on the boundary of properties are dealt with by the Party Wall Act. The serving of notice is required and the matter is a private one.

The material considerations in the application are impacts on light, outlook and privacy.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water raises no objection. An informative is to be added regarding sewer connection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

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

Built-up Area Boundary
Extensions to existing residential buildings
The Form of New Development
SD SP2 Built-Up Area Boundary
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

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: Angmering; Arundel; Barnham & Eastergate; Bersted; east Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

There is no Made Neighbourhood Plan for Middleton-on-Sea.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse impact on the amenity of the adjoining occupier.

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

The proposed extension will result in the application dwelling being increased in width and extending up to the boundary with the adjoining dwelling. This will inevitable result in increased impact. Since the adjoining bungalow is to the north, there will be likely to be loss of light to the side access path. The extension will also result in the side path becoming a passageway and a significant change to the character of the pedestrian access to the adjoining bungalow. The extension on the boundary will also be dominant and tend to result in the creation of a feeling of

overbearing and oppressiveness. It is considered that there is significant harm to residential amenity.

The proposed extension will also be likely to result in unacceptable light loss to the corner bedroom of the adjoining bungalow as a consequence of its height and proximity to the boundary. Given that this bedroom has a small front and small side window in a corner location, there will be a perceptible loss of light. It is considered that there is unacceptable harm to residential amenity.

The proposed extension also includes provision of a high level window to light the bedroom. This is not considered to give rise to privacy loss as it has a sill level of 1.8m.

The design and location of the extension are such there is no wider detriment to the visual appearance or amenity of the area.

In the light of the above, it is considered that the impacts of the proposed extension when taken together do result in harm to amenity such that a refusal of planning permission is justified.

Refusal of planning permission is therefore recommended.

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 private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal 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 adjoining occupier). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 (negative, Neutral or positive) 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).

RECOMMENDATION

REFUSE

- 1 The proposed side extension and the resultant infilling of the gap would create an unacceptable overbearing and oppressive tunnelling effect and loss of light to the adjoining property harmful to the residential amenities of occupiers. The proposed development is not therefore consistent with policies GEN7 and DEV19 of the Arun District Local Plan and policy DDM4 of the Publication Version of the Local Plan (October 2014) nor with advice contained in the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.