

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

REF NO: M/123/17/HH

LOCATION: Little Thatch
93 Middleton Road
Middleton on Sea
PO22 6DW

PROPOSAL: Two storey extension to existing building. Re-submission of M/71/17/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a 2 storey extension on the east side of the dwelling. The proposal would involve removing the roof of the dwelling, increasing its height and altering its profile and extending it closer to Middleton Road at first floor by approximately 6m and ground floor by 2.5m. The ridge height would increase by approximately 1.8m. The width of the dwelling at first floor on the south elevation would increase by 4m. The rear conservatory would also be increased in width and height.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Fencing on top of low walling to site frontage to approx. 2m height. To side boundary fencing/hedging to approx. 2m.
SITE CHARACTERISTICS	Detached thatched property with painted rendered elevations and pitched roof detached garage at entrance to site and to east side boundary. Pitched roof single storey extension to rear adjacent to side boundary.
CHARACTER OF LOCALITY	Residential comprising large properties of varying design and size set on spacious plots.

RELEVANT SITE HISTORY

M/17/60	Additions	Approve 20-07-60
M/8/00/	Conservatory to rear	ApproveConditionally 31-03-00
M/141/87	Extension to rear	ApproveConditionally 04-01-88

M/134/17/CLP Lawful development certificate for the proposed temporary siting of 1 No. caravan.

M/133/17/PL Demolition & erection of 1 No. dwelling to existing ground floor slab.

Application M/133/17/PL is identical to this proposal, but relates to demolition of the existing dwelling and its replacement with a larger dwelling in the same position on the east side of the plot. The proposal is identical to this householder application and has been submitted as a fall back position in case work on any approved extensions would involve removal of more of the existing dwelling than anticipated.

It is intended that the Certificate of Lawfulness Application caravan application M/134/17/CLP will be determined shortly after determination of this application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

No Objection

8 Objections (from 3 households) -

- Two storey extension description is misleading.
- The dwelling is a non-designated heritage asset and should be retained.
- The Village Design Statement explains that, whilst most roofs are clay tiles, many of the earliest buildings have roofs of Norfolk reed thatch and that these are now part of "Middleton's essential charm".
- The character and appearance of the dwelling at no. 93 contributes significantly to local distinctiveness and is aesthetically pleasing because it exhibits richness in its detail and materials.
- Paragraph 135 of the NPPF states that in weighing applications that affect directly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
- The NPPF confirms that significance can be harmed through alteration - here the characteristics of the cottage are not simply being altered, they would be lost.
- Concerns about the change in the building profile and bulk of the roof.
- The amendments do not satisfactorily address all of previous objections.
- Concerns about the presentation and accuracy of the plans.
- Neighbouring property has not been included in the 1:500 Block Plan.
- The Location Plan is incorrect. Neighbouring house is not drawn to scale and is much closer to the boundary in reality.
- Question the 1m gap annotated on the plan. The block plan also shows the boundary to house gap as 3.3m. Drawing number AB-100-7 V5 - 'proposed floor plan and elevation' shows this distance to be 3.4m. It is therefore requested that key boundary measurements are double-checked on site.
- The dwelling at no. 93 is set back from the public highway more than the others nearby on the northern side of Middleton Road. This alignment results in any developments having a greater impact on adjacent

properties.

- The revised plans still incorporate a formal and substantially sized annexe along the eastern side. Bedroom 2 would not be physically connected to the rest of the first floor and the duplication of entrance doors, kitchens, utility rooms, lounges and downstairs toilets highlights the intensive use of the extended building.
- The proposed layout would provide accommodation which would be totally independent from the main dwelling. There is no demonstrable dependence on the western side of the dwelling in terms of functional and practical links.
- The lowering of the ridge next to the neighbour is rather 'token' in nature and would still be much higher than the existing thatched roof.
- The substantial increase in the height would be particularly dominating and the overall bulk of the roof would be prominent from various angles.
- The size of the new front dormer and the over-reliance on rooflights on the rear elevation emphasises its scale.
- A more subservient annexe would help minimise the impact on the eastern side.
- The two storey front projection adds additional bulk at the front of the dwelling, in line with the rooflights over neighbours kitchen diner and the dormers above.
- It isn't clear how far the east elevation will be extended on its south side. The measurements are unclear. Currently there is a large flat roof glass extension to the lounge similar to a conservatory. If this is now to be incorporated in the southern roof line then the drawings are not to scale as this flat roof extends roughly 2m and is not shown on the dotted line on AB-100-12 V5.
- The revised plans are not accompanied by a day/sunlight report to demonstrate the impact at the rear of our property, especially in the afternoon during the months when the sun is lower in the sky.
- A loss of privacy does not relate solely to overlooking from windows. It also involves activity and disturbance in close proximity to private areas, including gardens. There would be no need for the occupiers of the annexe to use any of the facilities within the main house. The single connection point (on the ground floor) could easily be blocked off and therefore, in effect, a second, elongated house is being proposed alongside the boundary hedge. This would have an intrusive presence.
- The second front door on the east elevation is in very close proximity to neighbours habitable rooms and external sitting out area.
- This door is not a 'rear entrance' as annotated. It would be well-used by the occupiers of the annexe.
- The ramp shown on the plans increases its overall height and the direction of the lighting is likely to be disturbing. More acceptable alternative access points are available.
- The introduction of a first floor window on the east elevation whilst high level would still allow overlooking towards neighbours sitting out area and kitchen diner (with rooflights) and dormers above - these all face no. 93 and are within close proximity of the boundary. There would certainly be a perception of being constantly overlooked.
- The upper level window on the first floor plan does not tie up with the location shown on the east elevation drawing. The distance between the window in the dormer and the southern frame of the high level window do not seem to correspond.
- The design is not in keeping with the village design statement.
- The overall re-design of the project is not in keeping with the rest of the properties in Middleton Road
- The bungalow to the rear has both living and sleeping accommodation facing the proposed property.
- Concern with the siting of the building plot close to the east and south boundaries rather than centrally which would be less imposing.

COMMENTS ON REPRESENTATIONS RECEIVED:

- A new set of scaled plans have been submitted to now clearly show the distance to the site boundary. The site, including the existing and neighbouring property, have been professionally surveyed which means that all distances shown are as accurate as can be.
- There is no requirement for the plans to include the updated footprint of the adjacent dwelling which has

been extended. However clearer plans have been requested and received which show accurate distances from the proposal to the neighbouring property.

- The application relates to the latest submitted plans as well as the description which is considered to be acceptable.
- The annexe within the dwelling is fully integrated. It has no separate parking or outdoor space and is clearly indicated on the submitted existing and proposed floor plans.
- The proposal represents a reconfiguration of the existing annexe.
- The only change is that the first floor bedroom would only be accessible from the ground floor annexe, not the rest of the house at first floor.
- A condition has been imposed to ensure that the accommodation is not used as a separate residential unit.
- The door on the side elevation would not result in materially unacceptable noise levels to the adjoining dwelling.
- Many properties have side access doors adjacent to neighbouring dwellings.
- Daylight and sunlight reports have now been received which demonstrate that there would be no materially adverse impact on residential amenity in this regard.
- Middleton Village Design Statement refers to the geographical area defined in Arun District Local Plan as an Area of Special Character and this site lies outside of that boundary.
- The village design statement is not part of the development plan and is for guidance purposes only. Whilst the loss of the thatch referred to in the Village Design Statement is regretted the Local Planning Authority could not refuse the application because the thatched roof is not retained. The Design Statement refers to extensions being of the highest quality and in keeping with their setting. The application is considered to be compliant with this part of the guidance and whilst the extension would not match the materials of the existing dwelling the design and proposed materials would enhance its current appearance which is considered to be in a state of disrepair.
- The building is not listed, not defined as a Building of Special Character or located within a Conservation Area. It does not therefore fall within the definition of a Heritage Asset within the National Planning Policy Framework.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

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

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

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD7 Middleton on Sea Village Design Statement

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 Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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.

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).

Middleton Parish Council is not in the process of making 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 although it is not visually subservient to the host dwelling the proposed extension accords with Policy DEV19 (i), (iii), (iv) and (v).

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 dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

BACKGROUND

The application has been amended since originally submitted to move the extension adjacent to the eastern boundary southwards so that it is approximately 1m closer to the front of the site. The profile of the extension has also been altered to reduce the impact of its bulk in relation to the neighbouring dwelling.

VISUAL AMENITY AND CHARACTER

The proposed two storey side extension is sited on the east elevation of the house forward of the front building line of the existing property. The development will involve the removal of the roof, part of the elevations and rear extension together with an increase in the overall height of the dwelling.

The extension will be clearly visible from the road and alter the appearance of the dwelling changing it from a relatively small thatched dwelling to a larger 2 storey dwelling with a tiled roof. The width would increase by 4m and the depth by 8m. However the plot size is one of the largest on the north side of Middleton Road and the dwelling is considerably set back from the site frontage by approx.24m. The increase in width and 1.6m increase in ridge height of the property would not therefore be readily noticeable. The design of the extension would alter the profile of the building, but includes retention of the low eaves to part of the elevations which helps to reduce the perceived bulk of the extension. As a result the enlarged dwelling would not appear overly dominant or out of keeping in the street scene.

The dwelling is located close to the eastern boundary and its position on this part of the plot would remain unaltered. The materials of the extensions are included in the application and include plain clay tiles to dormers, bonnet roof hips and clay tile roof, green oak posts with stone straddles, white render and horizontal slate grey weather boarding. These materials would be in keeping with those on properties in the immediate locality. The originally submitted drawings have been professionally enhanced to better articulate the proposed elevation drawings and highlight the incorporation of local features. Given their design, appearance and siting within the application site the proposed extensions are not considered to have an unacceptable impact on the character and appearance of the area.

The rear conservatory extension is not visible from Middleton Road. The height and depth of the extensions is such that an adequate amount of garden space is retained .

Therefore, it is not considered that the proposed development, taken as a whole, would have an unacceptable adverse impact on the character and appearance of the host property or the wider area.

RESIDENTIAL AMENITY

The application has been amended from the scheme originally submitted by moving the extension on the east side forward in relation to the side boundary to prevent the adverse overbearing effects which previously resulted to the rear garden area of 97 Middleton Road.

The dwelling is not centrally located on the plot. It is adjacent to the eastern boundary and with regard to the amenity of adjoining occupiers this is the only property (no 97) which would be affected by the proposed extension. This dwelling has been extended on its west side adjacent to the shared boundary. It has roof lights and dormer windows in a side dining/kitchen extension of the elevation which faces the application site. Due to the height, depth and shape of the proposed gabled end elevation and the separation distance of approximately 3.2m, the loss of outlook from these windows would not result in unacceptable material harm.

A condition has been recommended to ensure that the first floor high level window in the east elevation is obscure glazed and a condition is suggested to prevent any further windows being added in this elevation in the future. This would prevent any adverse overlooking.

The applicant has submitted a Daylight, Sunlight and Overshadowing Report. The report considers the potential for the proposed scheme to exceed the Building Research Establishment (BRE) target values for daylight, sunlight and overshadowing. The floor plans provided indicate that there are only two windows serving a bathroom and bedroom at first floor level within 97 Middleton Road that directly face the development site. The BRE recommends that if a proposed development does not exceed a 25 degree angle then the neighbouring property will maintain a good level of sky visibility. 93 Middleton Road sits back from 97 Middleton Road and will not obstruct the windows/rooms at first floor level. The development at 93 Middleton Road will not exceed the 25 degree angle. Both windows/rooms are considered to fully comply with the BRE guidelines in daylight terms as the development does not exceed the 25 degree angle, therefore 97 Middleton Road will continue to maintain acceptable levels of daylight.

None of the neighbouring living room windows face within 90 degrees of due south and based on the recommendations documented in the BRE Guide do not need to be considered for the Sunlight method of assessment. In overshadowing terms, 97 Middleton Road has a north facing garden which is relatively open to the east. As a result, the garden will continue to benefit from direct sunlight from the east through to the south west before there is the potential for any additional overshadowing to be caused by the development at 93 Middleton Road. During this time, more than half of the garden will receive at least 2 hours of direct sunlight on 21 March when the clocks go forward. Therefore, the scheme is considered to fully comply with the BRE target values in overshadowing terms and any additional overshadowing would be acceptable.

The provision of a door in the east elevation to provide access to the annexe is not considered to result in a level of activity and noise disturbance that could reasonably be refused on amenity grounds.

The impact on the adjoining property to the west, no 91, is also considered to be acceptable. Although the property would be extended 1m closer to the side boundary at ground floor level and 3m at second floor and the depth of the first floor area would increase by 7.5m it would be located 9.47m from the side

boundary and would be adjacent to the rear garden area. This would prevent any materially adverse overbearing or overlooking effects. Side facing windows already exist at first floor in the side elevation although they are now proposed to be located an acceptable 1m closed from the boundary.

CONCLUSION

Therefore, in summary, it is considered that there would not be any unacceptable adverse harm to the living conditions of neighbouring properties or the character of the area. The proposed development therefore complies with adopted policies in the Arun Local Plan 2003 and the Middleton on Sea Village Design Statement.

Whilst the proposed extension is such that it would be contrary to Policy DEV19(ii) in that it would not be subservient to the host dwelling, it is considered that the development would be in keeping with the character and appearance of the locality. It would not have a significant impact on the visual amenities of the locality, nor would it have an unacceptable adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended for approval, 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 plans submitted on 12-02-2018 :

Comparative Elevations AB:100 12 Version 5,
Sections AB 100 11C version 5

Existing Plans and Elevations, AB:100:3 rev A submitted on 10-04-2018, and the following plans submitted on 15-05-2018:

100 :1:250 Location plan and 1:500 Block plan

101: 1:200 Topographic Site Survey

102A:1:200 Proposed site plan showing proposed roof plan and including neighbouring properties.

103A: 1:100 Proposed Ground Floor Plan and South and West Elevations

104A:1:100 Proposed First Floor Plan and North and East Elevations

105:1:250 Existing and Proposed Street Scene

106: Colour Materials and Finishes Schedule

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 The window at first floor level on the east elevation of the building shall at all times be glazed with obscured glass and /fixed to be permanently non-opening up to a level of 1.7m above the finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor or above in the east elevation of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The family annex accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 93 Middleton Road as a dwelling and shall not be used as a separate unit of 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.

- 6 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.