

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

REF NO: M/126/17/HH

LOCATION: 7 Alleyne Way
Elmer
Middleton on Sea
PO22 6JZ

PROPOSAL: Single storey extensions to East, South & West elevations & loft conversion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed development includes a redesign of the existing property, particularly at the first floor level with the introduction of a mix of roof designs to create the proposed first floor accommodation. The proposed single storey extensions measure approximately 2.8m deep, 2.9m wide and 8.6m high max (east), 9.4m deep, 0.8m wide and 7.2m high max. (south) & 4.7m deep, 5.8m wide and 8.6m high (west). The proposed first floor would have pitched roofs measuring between approximately 7.2m and 8.6m high, the proposed first floor changes are the full width and depth of the proposed ground floor. Materials would be a grey seamed roof, render and timber cladding walls
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property has a part wall part timber fence to the front with large gate piers and metal vehicle gates. There is a mix of timber fences, walls and mature planting along the other boundaries.
SITE CHARACTERISTICS	The application site comprises a detached single storey bungalow with gardens to the front and rear. The property is broadly L shaped with a rear pitched roof addition and is constructed of render beneath a grey slate appearance roof. The property has a single storey side addition and a single

storey detached structure to the front.

CHARACTER OF LOCALITY

The area is part of a residential street comprising a uniform character with mainly detached properties of single storey in medium sized plots set back from the highway with gardens to front and rear within an urban environment.

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton Parish Council have no objection.

One letter of objection has been received. The objections being the proposed scheme will lead to a loss light and also scaffolding will be needed to be placed on neighbouring property.

COMMENTS ON REPRESENTATIONS RECEIVED:

A supplementary light assessment has been provided and this is addressed in the conclusions below. With regard to scaffolding this would be civil matter to resolve between the two landowners and is not a material planning consideration.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Council's Drainage Engineer recommends a planning condition to any permission.

Southern Water recommend informative to any permission

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and conditions and informatives could be imposed if planning permission were granted.

POLICY CONTEXT

Designation applicable to site:

Built up area

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

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. A six week period of consultation on modifications to the plan ended in mid-February.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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

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 on Sea Parish Council does not have 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties, and 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 application site is situated within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy. In this case the principal policy is policy DEV19 of the Arun District Local Plan which states:

Extensions to Existing Residential Buildings

Planning permission will be granted for extensions to existing residential buildings, provided that:-

- (i) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;
- (ii) the extension is visually subservient to the main building;
- (iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (iv) in streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;
- (v) the extension does not compromise the established spatial character and pattern of the street.

DESIGN

The proposed changes will significantly alter the shape of the existing dwelling. So much so that this will amount to a new build rather than an extension to the existing building. However, change is not

necessarily harmful. There is an increase in ridge height of the property with differing roof heights and design and as such the overall the bulk of the building is increased. It is noted that the proposed development involves a mix of roof designs and this together with the proposed materials provides a contemporary design to the resultant property. The proposed overall changes would be visible from the street. The variations in roof shapes and angle of pitch which further attracts the eye to the resultant property and gives a complicated and contrived appearance in the street. The extensions and alterations as a whole alter the design, scale and bulk of the original property in conflict with DEV19 (i) & (ii).

As mentioned a change in design is not necessarily unacceptable and there have been a number of properties on adjoining roads to benefit from roof extensions. However, the properties immediately adjoining the application site are single storey and therefore the increase in height and bulk is not considered appropriate in its streetscene context. Furthermore, national guidance in the NPPF states "planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness." As such, whilst the style of the resultant property is different it is considered that the proposed development is not subordinate to the original house and the proposed roof changes do accentuate the bulk of the building. On balance, it is considered that the scale, bulk and detail is out of character and would have a harmful visual impact on the character of the wider area in conflict with DEV19 (v) and policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed development would be sited approximately 0.9m off the boundary with No.5 to the south and 1.1m off the side boundary with No. 9 to the north, at first floor level. There are no side windows in the first floor elevation facing north, however, there are 3 windows in the first floor side elevation facing south. These southern windows are to the landing and two bedrooms. The proposed bedrooms have principal windows facing west and east and therefore if the scheme was considered acceptable these proposed windows could be subject to a condition to ensure they are glazed with obscure glass. The proposed development does introduce first floor windows in the east (rear) elevation. Whilst given the position of the windows in relation to No. 5 these are not considered harmful, as it will only give an oblique view of the garden.

The windows on the northern side are the only windows serving this first floor bedroom. They are sited further into the rear garden and as such are considered to lead to an unacceptable level of overlooking of the garden area of No.9, which would be harmful to the residential amenity of the adjoining occupiers at No.9. In addition, the first floor windows will be between approximately 5 and 6.5m from the rear boundary of the site and only approximately 16.5m from the rear of the house to the rear on Elmer Close. As such it is considered that the proposed development will also lead to an unacceptable level of overlooking to this property also.

There is an existing ground floor window on the side towards the front of number 9 Alleyne Way which will be approximately 1.1m from the northern section of the extended property. Due to the height and proximity of the proposed extension at this point it would appear unduly dominant and have an unneighbourly darkening effect upon the occupiers of No.9 when inhabiting this part of their property. As such it is considered that the proposed development will be harmful to the residential amenity of occupiers of No.9.

CONCLUSION

Therefore, in conclusion it is considered that the proposed development will not be subservient and sympathetically integrated with the existing property and would be unduly dominant and out of keeping with the street scene in conflict with policies DEV19 (i), (ii) & (iv) and GEN7 (ii). Furthermore, the proposal is considered to be harmful to the residential amenity of adjoining occupiers due to a loss of

privacy to occupiers of the adjoining property No.9 Alleyne Way to the north and the property No.8 Elmer Close to the east. Finally, given the position and height of the proposed development it is considered that the proposed development would be unduly dominant on the occupiers of No.9 Alleyne Way leading to a loss of light and outlook all in conflict with policies DEV19 (iii) and GEN7 (iv).

Therefore, the application is recommended for refusal for the following reasons.

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 respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). 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 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

REFUSE

- 1 The proposed development is not considered to appear subservient or well integrated with the host dwelling and will appear as an unduly dominant addition on the property. In addition, as a result of the size and bulk of the extension the proposed development is considered to be harmful to the character and appearance of the wider area . As such the proposal fails to comply with policy DEV19(i), (ii) & (v) and GEN7(ii) of the Arun District Local Plan and the National Planning Policy Framework (NPPF).
- 2 Due to the siting and depth of the first floor extension it is considered that the proposed first floor rear windows, will lead to increased and unacceptable overlooking of the private garden area of No.9 Alleyne Way and that of No.8 Elmer Close in conflict with policies DEV19(iii) and GEN7(iv) of the Arun District Local Plan and the NPPF.
- 3 Due to the size and siting off the proposed first floor alterations it is considered that the proposed development will be unduly dominant upon and lead to an overbearing and unneighbourly feature leading to a loss of outlook and daylight to the occupiers of No.9 Alleyne Way in conflict with policies DEV19(iii) and GEN7(iv) of the Arun District Local Plan and the NPPF.

- 4 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) 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.