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

REF NO: M/131/17/HH

LOCATION: 25 The Layne
Elmer
PO22 6JL

PROPOSAL: Demolition of garage & erection of two storey extension, dormer projection & new tiled roof over front projection.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension works also include limited works to existing front and rear elements of the dwelling, although these would not increase in width or depth. The works to the front element include a shallow mock pitch in place of a flat roof. To the rear the works include a first floor element by effectively extending the existing gable outwards and linking this to the two storey side extension. The two-storey side extension would on the south side of the dwelling and would be 2.5m in width and in depth. It would have a flat roof extending across to the main roof plane of the existing dwelling and be 5.3m in height, the flat roof would be approximately 0.8m below existing ridge level. The side extension includes a small first floor bathroom window and a ground floor door. A dormer is proposed towards the rear of the north facing roof plane and this would have a flat roof. The two storey extension would be 1.1m from the side boundary and approximately 2m from the side of the adjoining bungalow. Ground floor accommodation provides an extended and kitchen. At first floor, the accommodation would be 3 bedrooms, bringing the total to 4 bedrooms at the dwelling. A first floor rear Juliet type balcony with railings, no balcony and full depth doors is also proposed. Proposed materials are render and colourwash to lower walls to match existing, roof tiles to match existing and to upper walls Marley Cedral Cement Weatherboarding, Colour Code Grey 05.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front of the site is open plan. To the south side there is 1.5m wooden panel fencing along part of the side and then 1.8m fencing around the rear garden.
SITE CHARACTERISTICS	The site is occupied by a bungalow with attached single garage. This is white rendered and has a roof of small plain

red tiles. There is parking for 2 cars to the front.

CHARACTER OF LOCALITY

This is an area of mixed house types and designs, primarily bungalows or chalet bungalows, many with substantial side dormers. Adjoining the site to the north has a 2 storey side extension with flat roof which is similar to that proposed in this application and has first floor Cedral type cladding.

RELEVANT SITE HISTORY

M/79/68	Extension To Rear Bedrooms	Permit'd Devel 18-09-68

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton Parish Council raises no objection.

The adjoining occupier at no.23 has commented:

The part of this application that really troubles me is a vertical Ridge tile height wall, six feet beyond the original building line of the adjacent properties, four feet over the boundary fence and only six or eight feet from our Dining Room windows. I must add the thought that, if agreed, it could be seen as setting a precedent for this type of extension i.e. six feet, seven or ten or ----?

COMMENTS ON REPRESENTATIONS RECEIVED:

The case officer has visited no.23 at the objector's request in order to view the site of the proposed extension from their property. It was evident that the extension would not encroach into the 45 degree outlook form the centre of their shallow bay window nearest their boundary with the site. Light to the rear of no.23 will be unaffected since the site is to the north.

It was also evident that of their 2 modest side windows, 1 is a secondary window and the other does not light a main habitable room. These windows are in a north facing elevation in any event. The extension would be unlikely to be unduly dominant or harmful to the amenity of no.23 for the above reasons.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

The Councils Drainage Engineer comments:

Please apply standard condition ENGD2A.

Soakaways must be investigated for surface water disposal.

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 40% 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.

Southern Water has commented regarding sewerage, surface water and possible sewers crossing the site.

COMMENTS ON CONSULTATION RESPONSES:

Consultee comments can be addressed by informatives.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area
Lidsey Treatment Catchment 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):

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

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

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).

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. The MVDS contains nothing other which is relevant to the locality within which the application site is located.

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

The proposed development will result in a significant change to the appearance of this bungalow. The extension is however subservient if somewhat large and not normally considered to be something which the Council would wish to encourage since it is not particularly sympathetic to the appearance of the existing dwelling. However, in this instance, there is a very similar extension to the side of the adjoining dwelling to the north. It is therefore considered that on balance, taking into account the adjoining extension, the design of the proposed extension is not so harmful in terms of visual appearance and impact that refusal of planning permission is justified. Generally, the development will otherwise result in an improved appearance to the host dwelling overall.

The proposed extension and works are therefore considered to be acceptable in the context of visual amenity and to be consistent with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

With regard to the impact upon amenity of adjoining occupiers the proposed development will due to its proposed position will have acceptable impact. As previously described in this report, the impact on the dwelling to the south is acceptable in terms of dominance, light or outlook. Privacy issues which might arise from side windows can be addressed by conditions relating to obscure glazing and no further

windows at first floor. On this basis, the potential for real or perceived overlooking has been satisfactorily mitigated to a level where there is considered to be no unacceptable harm to the amenity and privacy of the adjoining occupier. The proposal is therefore in accord with policies.

It is therefore recommended that the application be approved, subject to 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:

Sheet 1 of 3 - Ground Floor & Block Plans Proposed - Received with Application
Sheet 2 of 3 - First Floor Plan & Elevations Proposed - Received with Application.
Sheet 3 of 3 - Roof Plan Proposed - Received with Application

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7of the Arun District Local Plan.

3 Materials to be utilised for the external finishes of the development hereby permitted shall be are render and colourwash to lower walls to match existing, roof tiles to match existing and to

upper walls Marley Cedral Cement Weatherboarding, Colour Code Grey 05 as specified on Drawing Number Sheet 2 of 3, First Floor Plan & Elevations Proposed.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 The 2 windows in the dormer hereby permitted on the north facing roof plane and the first floor window in the south facing elevation of the two storey extension hereby permitted shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

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

5 No windows (other than those shown on the plans hereby approved) shall be constructed in the dormer on the north facing roof plane nor at first floor level in the south facing elevation of the two storey extension without the prior permission of the Local Planning Authority on an application for planning permission on that behalf.

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

6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

7 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.

8 INFORMATIVE.

The Councils Drainage Engineer has advised that:

Soakaways must be investigated for surface water disposal.

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 40% 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.

9 INFORMATIVE.

Southern Water has advised that:

Southern Water requires a formal application for any new connection to the foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website for further details:

https://www.southernwater.co.uk/new-connections-charging-consultation

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk