

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

REF NO: M/147/21/HH

LOCATION: 19 Elm Drive
Elmer
Middleton-On-Sea
PO22 6JE

PROPOSAL: Single storey rear extension and addition of a storey.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks to construct a single storey rear extension and addition of a storey across the dwelling. The materials will be similar to those on the dwelling. Walls will be white rendered, roof design will be a hip with tiles and felt. Windows and doors will be UPVC. The scheme was revised to include two high-level first floor side windows and two rear first floor windows to be obscure glazed, opening panes to be at least 1700mm above floor level.

The extension will extend south infilling part of the rear elevation at ground and first floor to provide an enlarged lounge/kitchen at ground floor. The first floor will provide an en-suite bedroom with Juliet window to the front and side high level windows to the sides, two bedrooms with walk-in wardrobes, two rear facing obscure glazed, opening panes at least 1.7m above floor windows at first floor. The two storey rear extension does not extend beyond the rear elevation and retains 1.55m to the side and 24.84m to the rear property boundary. The two storey extension will have a pitched roof with a height of 7m and the chimney removed.

REPRESENTATIONS

Middleton Parish Council: No objection.

Neighbours: One letter of objection regarding overshadowing, loss of light and overlooking from second floor window resulting in loss of privacy.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage:

Given the scale of the development and based on the assumption that the increase in impermeable area

may be considered equivalent to what may be achieved under permitted development, we have no conditions to request.

POLICY CONTEXT

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

PRINCIPLE

The application seeks permission for an extension to an existing dwelling in a residential area. The key policies are D DM1 and D DM4 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Some dwellings benefit from the potential for the addition of a new first additional storey under permitted development rights but it has not been demonstrated that it would apply to this building.

Middleton Parish Council has no Neighbourhood Plan.

Further guidance from the Arun Design Guide is relevant and referred to below.

DESIGN AND VISUAL AMENITY

The extension will be above and to the side of the property. It will be visible from the street scene and will have an impact on the character and appearance of the area. Although the proposal will be visible in the street scene, due to the use of similar materials used and size of the extension, the proposal will not have adverse effect on Elm Drive.

The extension will increase the bulk to the property with and will not appear subservient to the host dwelling in conflict with D DM4(b). However, it will consist of materials to match existing which will ensure it is integrated with the appearance of the dwelling. The two storey extension will appear sympathetic in design to the character and appearance of the dwelling.

J.01 of the Arun Design Guide outlines that built form and character varies considerably throughout the Arun District as a whole and in the settlement character areas identified in section C.06 of the design guide. Section M, refers to householder extensions and states extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing. It is considered this is achieved, with the addition appearing well integrated and sympathetic in design to the host dwelling and complies with policy and the guide.

The surrounding properties are mixed in design and style and the addition is not considered to result in the development appearing out of character with other properties within the street scene. Whilst the development is a large addition, due to the scale of the dwelling, it is not considered to appear as an overdevelopment or result in adverse harm to the appearance of the street scene to justify a refusal and it accords with D DM1, D DM4 (a), (b) and (e) of the Arun Local Plan.

RESIDENTIAL AMENITY

The two storey extension will retain 1.55m to the southern boundary and neighbouring dwelling. The two-storey rear element will utilise existing loft space and extend along the rear elevation for about 3.6m. The development incorporates a Juliet window to the front, high level side facing window, secondary side window serving the stairway and east facing rear windows at first floor.

The proposal was revised to redesign the two rear facing windows at first floor to be obscure glazed, opening panes at least 1.7m above floor, will not result in overlooking neighbour's garden at 17 and 21 Elm Drive and will not result in loss of privacy. The development will not project beyond the original rear elevation and the separation distances between properties are maintained. A neighbouring property (13 Elm Drive) was recently approved a two storey replacement dwelling with rear window.

The proposal was revised to incorporate two first floor side windows on each side which will serve each bedroom but will be high level windows for natural daylight. Another first floor side windows leads to the stairwell to provide natural daylight couple with roof light. There is another first floor high level side window serving a toilet and bathroom on the other side of the development closer to 21 Elm Drive to provide natural daylight. Due to the design and positioning of these floor first side windows, they will not result in overlooking and loss of privacy. In the light of these, the rear and side windows at first floor are not considered to result in significant overlooking and loss of privacy on neighbouring occupiers to justify refusal.

Due to the development's marginal increase in footprint, the roof design, 1.5m side separation distance from the nearest habitable window at 21 Elm Drive, positioning and orientation (along east - west sun path), the development will not result in unacceptable overlooking/overshadowing or appear overbearing to the neighbours. It is not considered to have significant adverse harm to the residential amenities of neighbouring occupiers to justify a refusal in this instance.

Given the concerns about overlooking it would be appropriate to restrict via condition additional extensions to the new roof in the form of dormer windows.

The proposal is in accordance with D DM1 and D DM4 of the Arun Local Plan.

DRAINAGE

The development will be in Flood Zone 3 and this application is supported with a Flood Risk Assessment. The existing dwelling has a bedroom at ground floor and two bedrooms are proposed at first floor. In the light of the site's specific circumstance, it is not considered necessary to consult Environment Agency in this regard. Therefore, it is considered that the development would not exacerbate the site's surface water drainage.

SUMMARY

The proposed development mostly accords with relevant development plan policies but not subservient to the host dwelling under D DM4. The lack of subservience, given the mixed nature of the street in terms of building character, is not sufficient reason to justify refusal. The proposal is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL Liable.

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:- 21/83/2A and 21/83/3.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

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

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 4 The two proposed first floor rear elevation windows shall be obscure glazed up to a height of 1.7m above the floor of the room in which the window is installed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Policy D DM1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no roof extensions (including dormer windows) shall be constructed to the approved roof unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 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 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.