

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

REF NO: M/15/15/HH

LOCATION: Fortunes Gate
1 First Avenue, Ancton
Middleton-on-Sea

PROPOSAL: Remove existing garage & erect a single storey side extension annexe for a dependent relative.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission for the erection of a single storey extension to the east side of this dwelling. The extension would provide for an annexe to the existing dwelling for a dependent relative.

The main extension area would be rectangular and alongside the boundary with no.2, it would be 0.8m away from the boundary. This part of the extension would be 8.4m deep and 3.35m wide with an eaves height of 2.6m. The roof would be hipped and the ridge line would run from front hip to rear hip at a height of 5m. This part of the extension would provide a main annexe room with a bathroom to the rear.

The main extension would be linked to the existing dwelling by a smaller extension. The front wall of this would be a continuation of the front wall of the dwelling, as then would be the front wall of the main part of the extension. This element would be 1.75m wide and 4.25m deep and have an eaves height of 2.6m. The roof would be pitched and have a ridge running across from the main house onto the side of the roof plane of the main part of the extension. The ridge level would be lower at 4.2m. This element would provide for a link from the existing dining room and a store which could only be accessed externally.

No side windows are proposed. There would be a new main front window and smaller front window in the link. To the rear there would be a bathroom window. The annexe would also have an external door facing the side of the existing dwelling.

The garage to the side of the dwelling which is to be demolished has eaves of 2.1m and a ridge of 4m and a hipped roof. It is 2.9m wide, 5.15m deep and the side is 0.7m from the side boundary. The front of the garage is in line with the front dwelling. Whilst not shown on the submitted drawing, the garage is linked to the house by a wall with gate set within it. This wall links the front of the garage to the front wall of the dwelling and is approximately 2.1m high (slightly below eaves level).

SITE AREA

The site area is approximately 0.07 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

The immediate area is a relatively low density residential one and has been developed as a mixture of chalet type dwellings and two-storey dwellings.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

This site is well screen by mature planting on the front boundary and the dwelling is not generally visible. Front side boundaries also mature planting as are most of those to the rear and rear side boundaries. The side boundary in the area between the existing garage and the adjoining dwelling is a 1.8m wooden panel fence.

SITE CHARACTERISTICS

The site is occupied by a chalet type dwelling. This is set back approximately 18m from the front boundary and the front of no.2 west and adjacent is in line with the front of the application dwelling. the rear of 2 dwellings in Harefield Road face the east side of the site. The site is well screened, as described under Boundary Treatment and not generally visible from the surrounding area. the subject dwelling has a main eaves level of 3.6m and a relatively high ridge level 7.7m and the roof is half-hipped on each side. The existing garage, previously described has a lower and very much secondary appearance. The dwelling is served by a driveway and parking/turning area capable of accommodating at least 3 cars.

CHARACTER OF LOCALITY

The locality is characterised by relatively low

density residential development in a mature landscaped setting and has mainly been developed as a mixture of chalet type dwellings and two-storey dwellings.

RELEVANT SITE HISTORY

No site history.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Middleton Parish Council raises no objection.

No representations have been received from nearby occupiers.

Harefield Estate (Middleton) Management Limited has objected as follows:

1 IF the planning committee is minded to pass this application we would request that you impose a planning condition that the proposed annex accommodation could NEVER be allowed to become a separate habitable dwelling.

The Introduction possibly in the future, of a further transition Planning Application with amendments to convert the dwelling into two separated dwellings on this small width plot would comprise inappropriate "infilling" on the Harefield Estate and would be contrary to the Harefield Company Rules and Regulations.

2 We object to the front elevation roof line of the proposed extension as it does not blend in with the architectural style of the main house and is not in keeping with the character and style of the rest of the properties in the road and surrounding Estate.

Comments on Representations received:

in respect of the first ground of objection, this application, if planning permission were to be granted could be made the subject of a condition requiring ancillary occupation of the annexe. However, separate and independent occupancy of the annexe would in any event require planning permission and could be controlled therefore. What might or might not possibly be proposed in the future is not a material planning consideration for the current application. Again, if a further dwelling were proposed at a later date, this could be controlled since planning permission would be required.

The second ground of objection is dealt with in the conclusions section of this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

This Council's Drainage and Coastal Engineer has commented:

Please apply standard condition ENGD2A.

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 30% 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.

Comments on Consultation responses:

The applicant has confirmed that foul drainage for the development is to be via the existing main sewer. Surface water can be dealt with through the submission of a building regs. application.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
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; and 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 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.

Impact is such that the development would also not be consistent with the NPPF.

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.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in limited change to the appearance of this dwelling, given the location of the extension to the side and screening on the boundaries. The proposal is not dissimilar to the appearance of the existing garage linked to the dwelling by a front wall. The extension has a very much secondary appearance and has been sympathetically designed so as to reflect the appearance of the existing dwelling, it is considered to be acceptable visually. There is no detriment to the street scene or to outlook.

It is therefore considered that the extensions/works are acceptable in visual amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed garage is screened from the adjoining dwelling and located no closer. There are no side windows facing the adjoining dwelling and in any event there is a 1.8m high wooden panel fence between the properties. The proposal does not therefore result in impact on privacy. The proposed roof slopes away from the adjoining dwelling and has little impact on light.

OTHER

As previously stated, separate use would require a further planning permission. however, the imposition of a controlling condition could offer the Council with a choice to pursue enforcement action through a Breach of Condition Notice.

Drainage issues can be satisfactorily dealt with at the building regulations application stage.

The proposed works are considered not to result in harm such that planning permission ought to be reasonably withheld.

It is therefore recommended that the application be approved, 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 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

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

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 drawing:

Drawing Number None; Block Plan Scale 1:500; Undated
Drawing Number 15/996/02; Proposed Plans & Elevations; Dated January 2015

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 materials and finishes of the external walls and roofs of the development hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of Fortunes Gate, 1 First Avenue, Middleton-on-Sea 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.

- 5 **INFORMATIVE:** The Council's Drainage Engineer, Fluvial Flooding has advised that:

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 30% 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.

- 6 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 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.