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

REF NO: **M/16/17/HH**

LOCATION: 120 Middleton Road
Middleton on Sea

PROPOSAL: Removal of rear conservatory & erection of rear two storey chalet extension, removal of existing single storey extension & erection of two storey side chalet extension, new side & rear two storey chalet extension over existing garage & front porch extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal has a number of elements as follows; 1) Remove an existing 3 metre (projection) by 5.8 metre (width) conservatory and replace with a 3 metre by 6.7 metre two storey extension with a 7 metre high pitched chalet roof with a half hip at the rear. 2) Remove a ground floor utility room projecting approx. 2.4 metres by 6 metres in width and replace it with a two storey extension which forms a side dormer at first floor level with a half hip pitched roof. This extension has a much smaller footprint projecting 1.2 metres with a width of 3 metres. It would incorporate a bathroom at ground floor level and an ensuite bathroom at first floor level (see obscure glazing condition). 3) The linked detached garage and an existing first floor side dormer on the west side of the roof would be demolished and replaced by a 5 metre projecting chalet roofed two storey extension 6 metres in height (1 metre lower than the main ridge) forming an internal garage and kitchen behind at ground floor level with 2 additional bedrooms at first floor level. The bedrooms at first floor level would be linked to the main house by a linking dormer between the new pitched roof (with half hipped ends) of the two storey west side extension and the main pitched roof (with half hipped ends) forming a landing and internal hallway.
SITE AREA	0.08 hectares

TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2. 5 metre hedging to the sides of the front garden and a 1.8 metre close boarded fence to the boundaries of the rear garden.
SITE CHARACTERISTICS	A post war bespoke designed large detached house with a linked detached garage on a large plot with a driveway and parking areas to the front and a 25 metre long rear garden
CHARACTER OF LOCALITY	The site is located with the Middleton Area of Special Character close to the village centre and shopping facilities of Middleton Village on the main road. Properties nearby are similar bespoke designed large detached properties.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:
A O S CHARACTER
ADOPTED LOC PLN
CLASS B ROAD
NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	AREA1	Areas of Special Character
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local	SD SP2	Built-Up Area Boundary

Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) HER DM4 Areas of Special Character

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

MDS	Middleton-on-Sea Village Design Statement by Middleton PC

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Middleton Parish has not made a neighbourhood plan and as a result there are no policies relevant to this proposal.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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

PRINCIPAL

The site is located within the built-up area where the principle of development is acceptable in accordance with policy GEN 2 of the Arun District Council Local Plan. The development proposal is therefore acceptable in principle, subject to accordance with other relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan which in this case are AREA1, GEN7 and DEV19 and the Middleton Design Statement which seek to prevent development that would have an adverse impact upon the Middleton on Sea Area of Special Character and the sites visual and residential amenities as a whole.

DESIGN AND VISUAL AMENITY

The proposed extension would significantly alter the appearance of the dwellinghouse however the use of matching materials on the roof (tiles) and at ground floor level as well as the use of half hips on the ends of the front rear and side two storey extensions would ensure the extensions blended into the character of the host dwelling and character of the area as a whole. It is proposed to use slate grey concrete weatherboarding on the first floor elevations however this use of weatherboarding at first floor elevations is common on surrounding residential dwellings. The dwellinghouse is set back from the road by 15 metres and the main proposed two storey element would be 1 metre lower than the existing main dwellinghouse and therefore the extensions as a whole are considered subservient to the main dwellinghouse.

The matching design of the proposed extension further re-inforces the bespoke design of the host property in the streetscape and therefore it is considered that the proposal will make a positive contribution to the Middleton area of special character.

The design of the extensions and materials of construction in sensitive areas visible from the street scene means that the extensions will harmonise as a whole with the existing dwelling. The extensions are considered to be in keeping with the established character set by neighbouring properties. The proposed development is therefore considered to comply with relevant policies AREA1, GEN7(ii) & DEV19 (i),(ii)&(v) of the Local Plan and the Middleton on Sea Village Design Statement.

NEIGHBOUR AMENITY

The proposed two storey extensions would be unlikely to significantly affect the neighbouring property in terms of overshadowing, overlooking, overbearing impact on the two neighbouring properties affected, Little Rising to the east and Rosemorran to the west.

The only potential impact would have been from the first floor window in the two storey side facing extension serving an ensuite bathroom. A condition has been applied requiring this to be obscure glazed and fixed below 1.7 metres

No overbearing impact or loss of light would be cause by the proposed extension as they would not intersect a 45 degree line of sight drawn from the centre of the neighbours closest habitable room windows. This rule of thumb is used to consider adverse impacts potentially affecting neighbours habitable room windows.

The proposals as a whole, subject to the condition mentioned above, are considered to be acceptable in terms of residential amenity in accordance with policies GEN7(iv) and DEV19(iii) of the Local Plan.

The application is recommended for conditional approval.

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) 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;
Dwg.no. sheet 1 of 5 - Block Plan and Proposed Ground Floor Plan received 21-02-17
Dwg.no. sheet 2 of 5 - Proposed First Floor Plan received 21-02-17
Dwg.no. sheet 3 of 5 - Proposed Elevations received 21-02-17
Dwg.no. sheet 5 of 5 - Proposed Roof Plan received 21-02-17

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.

3 The materials and finishes of the external walls and roof of the building(s) hereby permitted shall match in colour and texture those of the existing building with the exception of the use of Marley Cedral Cement boarding in C18 slate grey on the front rear and side elevations at first floor level.

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

4 The windows on the first floor of the east facing side extension in the west elevation of the building hereby approved shall at all times be and remain glazed entirely with obscure glass and non opening below 1.7 metres in height.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 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.