

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

REF NO: M/17/14/

LOCATION: 17 The Byway
Middleton-on-Sea

PROPOSAL: Demolition of existing garage and porch, erection of two storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to an extension to the side of the dwelling in the area of the existing garage. It would have a width of 5.3m, a depth of 7.6m and a height to eaves of 3.9m and to ridge of 7.1m and the materials would match existing.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and domestic wire and lap fence, reinforced by shrubs and trees approximately 1.2 - 2m in height
SITE CHARACTERISTICS	Detached chalet bungalow with white render walls and red plain tiled roof. Pitched roof garage on boundary.
CHARACTER OF LOCALITY	Predominantly residential. Characterised by substantial detached properties of varying design set within plots of relatively tight width, with good set back from highway.

RELEVANT SITE HISTORY

M/157/07/	Demolish garage and side extension - build two storey side extension and single storey side extension, alterations to roof & windows, replace existing windows, detached garage.	Refused 21-01-2008
M/21/08/	Demolish garage and side extension, two storey side extension with integral garage, single storey side extension, alterations to roof & windows, and replace existing windows. (Resubmission of M/157/07).	ApproveConditionally 11-06-2008

REPRESENTATIONS

Representations received:

Middleton Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA1	Areas of Special Character
	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality
	D DM2 Internal Space Standards
	D DM4 Extensions & Alterations to Existing Buildings
	D SP1 Design
	HER DM4 Areas of Special Character
	HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

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

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication

Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

This proposal follows an earlier approval in 2008 (M/21/08) for an extension in the same position which had a lower eaves and ridge height. This current proposal would fill the space to the side of the dwelling which is occupied by a garage. The character of the area which is defined as an Area of Special Character is derived from the varied style of dwellings with space to boundaries which contribute to a spacious and detached pattern of development. The proposed extension would appear bulky and would erode this space at first floor level and result in a dwelling that straddles

the plot and is out of keeping with the general pattern of development. It would not therefore make a positive contribution to the special character of this area and would be contrary to policy AREA1 of Arun District Local Plan and policy HERDM3 of the Emerging Local Plan.

In addition, the ridge height would not be set down below the existing dwelling and the eaves height would be higher than that of the existing dwelling. These design details would not result in an extension that is sympathetic to the existing dwelling or visually subservient in appearance. It would therefore be contrary to policies DEV19 of Arun District Local Plan and policy DDM4 of the Emerging Local Plan.

In terms of residential amenity it is considered that the provision of a 2 storey extension in this position would be acceptable. The adjoining dwelling to the east is located in a similar position on the plot as the application dwelling and has no principal windows facing on to the application site. There would therefore be no materially adverse overbearing effects resulting from the proposal. No windows are proposed at first floor level in the side elevation of the extension and no adverse overlooking effects would therefore result to this neighbouring property either. The proposal is therefore acceptable in terms of residential amenity.

The application is therefore recommended for refusal for the following reasons:

HUMAN RIGHTS ACT

FOR REFUSAL

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 (the right to respect for 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 neutral 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).

RECOMMENDATION

REFUSE

- 1 By reason of its bulk, height, design and proximity to the boundary the proposal would compromise the established character and appearance of the street scene and would not

be subservient to the host property, resulting in unacceptable harm to the appearance of the dwelling. The proposal therefore conflicts with policies AREA1, DEV19 and GEN7 of the Arun District Local Plan and policies HERDM4, HERSP1, DDM1, DDM2 DDM3, DDM4 and DSP1 of the Emerging Local Plan.

- 2 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 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 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.