

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

REF NO: M/26/15/HH

LOCATION: 1 West Avenue
Middleton on Sea

PROPOSAL: Demolition of rear conservatory with new rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1216 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is mostly open with a 2 metre high gate on the westernmost entrance into the site. The western and rear boundary of the site consists of a 1.8 metre high close boarded fence with the eastern boundary of the site consisting of mature planting.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling with an attached double garage. The property features brown brick at ground floor level with tile hanging at first floor level and a tiled roof.
CHARACTER OF LOCALITY	The locality of the site is residential in character and consists of detached properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Middleton Parish Council

No Objection.

1 x Letter of Objection from Harefield Estate (Middleton) Management Limited:-

The Company would strongly advise you to REFUSE this application on the grounds that the Application is incorrect, has factual inaccuracies to both the drawings and wording, to such

an extent that it affects the deciding factors in this Planning Application and most importantly the Declaration is INCORRECTLY SIGNED.

We thus believe that these are grounds for you to REFUSE THIS APPLICATION.

REASON 1

The applicants DESIGN AND ACCESS STATEMENT IS INCORRECT.

Under Access the applicant falsely states that "The access will be unchanged". This is incorrect. When the Applicant purchased this property there was a legal condition on the deeds to confirm that the only access to the property was to the double garage to the east of the property boundary.

Whilst there was a garden gate on the west side of the property this was not an access, and the applicant was aware of this when he purchased the property.

The Applicant has now formed a new vehicular access to which he is not entitled and therefore the DESIGN AND ACCESS STATEMENT IS INCORRECT.

REASON 2

The applicants DESIGN AND ACCESS STATEMENT IS INCORRECT

Under Landscaping the applicant falsely states that the "Landscaping will be unchanged"

This is incorrect as where there was lawn to the west of the property this is now a new non-permeable driveway and parking spaces for vans.

REASON 3

The Applicant has shown on his drawing 1/5 an access for which he knows he is not legally possible to use - under his present deeds.

Our Estate plan clearly shows that there is NO ACCESS IN THE POSITION SHOWN ON HIS DRAWING 1/5

Therefore the Applicants drawing is incorrect and misleading

REASON 4

The photographs attached to the application are misleading as they do not show the new works from the front and the rear and indeed one photograph is not of the property at all.

Photographs are required to show details of the application proposals and visual identification of the building. Clearly these photographs are misleading to the Application.

REASON 5

The House holder application form is INCORRECT and MISLEADING TO THE OFFICERS AND COMMITTEE and should not have been signed by the applicant / agent and the DECLARATION IS NOT CORRECT

There is a new vehicle access commenced from the private road shown on drawing 1/5 which is not legal. The applicant has clearly misled the Planning Authority to suggest there the access driveway is not new.

This application suggests that the applicant has a right of way over the Private verge and road. We confirm that the applicant only has a Deed of Grant of Access over the main driveway to the east of the property and does NOT have any legal access to the west of the property. We believe the applicant is using this application if passed to legitimise this access to which he is NOT ENTITLED.

Box 11

NO attempt has been made to contact or seek permission from the Estate Company to obtain Certificate D which (by virtue of the new access included in the application) forms "any part of the land to which this application relates".

This new access in the application would need, not only to cross the Company's verge but by inference use the Private Roads of the Estate (to which the applicant is fully aware from lengthy correspondence he is not legally entitled.

Box 14

The Applicant / Agent has signed the declaration to the effect that the form and accompanying plans, drawings and additional information are true and accurate WHEN KNOWING THAT THEY ARE INACCURATE AS DETAILED ABOVE.

For these reasons we SUBSTANTIALLY OBJECT TO THIS PLANNING APPLICATION AND WISH YOU TO REFUSE THIS APPLICATION ON THE BASIS THAT THE DETAILS OF THIS APPLICATION ARE NOT TRUE AND INACCURATE.

IF the Arun District Council is minded to permit this application we would seriously consider an appeal under maladministration of this application.

IF the planning committee is minded to IGNORE THIS OBJECTION and pass this application WE WOULD REQUEST that you impose a planning condition to the effect that this plot (with the proposed substantial increase in floor area)would not be suitable for any further attached or detached residential dwelling as this would be over development and also contrary to the Harefield Company Rules and Regulations of one property on each plot.

Comments on Representations received:

Comments from the Parish Council noted.

In response to the letter of objection in relation to this application the Council would make the following comments:-

* The application does not seek permission for the creation of a secondary access into the site and due to the class of the road planning permission would not be required for these works. Therefore, the concerns in relation to the secondary access is a civil matter and if covered by the property deeds would need to be pursued privately outside of the planning system.

* The objector states that the applicant has made false comments in relation to the landscaping. This is not considered to be the case as the hard-standing was created prior to the submission of the application and therefore landscaping will be unchanged. It should also be noted that the creation of a hard-standing would benefit from permitted development rights under Schedule 2, Part 1, Class F of The Town and Country (General Permitted

Development) Order 2015 and is not, like the new access arrangement, a matter material in the determination of this application which is seeking approval for a rear extension.

* The inclusion of photographs with the application have not prejudiced or impacted upon the officer's recommendation. The plans provided and information obtained through the site visit have provided adequate detail and information as to the proposed appearance of the elevations of the property.

* The application form and submitted plans therefore provide the necessary information to determine that sought approval for.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Engineers Fluvial Flooding:-

Surface water drainage is required for the new extension. Infiltration to be investigated.

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 BRE365, 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% 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:-

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

We request that should this application receive 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".

Due to changes in legislation that came into 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.

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in table "Practical measures to reduce the potential impacts of development.

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Comments on Consultation responses:

Comments noted. However, matters concerning drainage in the case of proposed extensions are covered by building regulations submission.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7
GEN2
DEV19

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

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
SD SP2 Built-Up Area Boundary

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. Middleton-on-Sea are not in the process of preparing a Neighbourhood Plan.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties.

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 OF DEVELOPMENT

The site is situated in the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The application seeks permission for the erection of a single storey extension to the rear of the existing dwelling which will extend 4.5 metres and reach a maximum height of 3.6 metres. It also seeks permission for a two storey side extension which will extend 2.5 metres to the east of the existing dwelling - the two storey side extension will be stepped back from the existing primary elevation by approximately 0.5 metres. The proposed extension will also extend to the rear of the

existing detached garage by approximately 7 metres and to a maximum height of 6 metres - this extension will be located 0.85 metres from the eastern boundary of the site.

The proposed 4.5 metre deep single storey rear extension to the rear of the original dwellinghouse is not considered to adversely impact upon the character and appearance of the dwelling and is considered to be sympathetic and subservient to the host dwelling in accordance with policies GEN7 (ii) and DEV19 (i) & (ii).

It should be noted that Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order 2015 allows for the construction of single storey rear extensions up to 4 metres in depth without the requirement to obtain planning permission from the Council.

The proposed two storey side extension is considered to be well integrated with the host dwelling through the use of materials matching those used in the construction of the original dwelling. The design and positioning of the proposed two storey extension is considered to be subservient to the host dwelling and not adversely impact upon its character and appearance in accordance with policies GEN7 (ii) and DEV19 (i) & (ii).

The proposed single storey extension to the rear of the existing garage measures 6 metres in height, 1.2 metre higher than the existing ridge height of the garage. The considerable height of the proposed extension (to the rear of the garage) is considered to be overly dominant within the street scene and actively competes with the host dwelling and as such is not considered to be subservient to the host dwelling in conflict with policy DEV19 (ii). The bulk of the roof when viewed from the north and the large expansive eastern elevation is also considered to be incongruous and out of character with the host dwelling in conflict with GEN7 (ii) and DEV19 (i) of the Arun Local Plan.

RESIDENTIAL AMENITY

The single storey rear extension (to the rear of the host dwelling) and the proposed two storey side extension are not considered to give rise to any additional overlooking, overbearing or overshadowing effects upon neighbouring properties.

The proposed extension (to the rear of the existing garage) due to its location 0.85m from the eastern boundary and its height of approximately 6 metres with a depth of up to 6.5 metres is considered to have an unacceptable overbearing effect on the occupiers of 11a Harefield Road in conflict with policies GEN7 (iv) and DEV19 (iii).

CONCLUSION

The proposed extension to the rear of the garage is considered to conflict with policies GEN7 (ii) & (iv) and DEV19 (i), (ii) & (iii). Therefore, the application is recommended for refusal for the following reasons.

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 and 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 a neutral impact has 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.

As a neutral impact has been identified no mitigation has been proposed.

RECOMMENDATION

REFUSE

- 1 The proposed rear extension by reason of its size and location is not considered to be subservient to the host property resulting in an unacceptable impact on the character and appearance of the dwelling and that of the wider locality. The proposal therefore conflicts with policies GEN7 and DEV19 of the Arun District Local Plan and paragraph 64 of the National Planning Policy Framework.
- 2 The proposed rear extension due to its position, bulk and proximity to the western boundary will have an unacceptable overbearing impact upon the neighbouring property, 11a Harefield Road, in conflict with policies GEN7 and DEV19 of the Arun District Local Plan and the National Planning Policy Framework.
- 3 **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 meet with the Applicant 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.