

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

REF NO: M/30/14/HH

LOCATION: Coppins
7 Templesheen Road
Middleton on Sea

PROPOSAL: Replacement conservatory to front elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed conservatory measures 2.8 metres in width by 4 metres in depth and 3.27 metres to height of roof finials.

SITE AREA

Approximately 286 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

SITE CHARACTERISTICS

The site is occupied by a semi-detached chalet style dwelling which has a flat roof glazed porch to the front.

CHARACTER OF LOCALITY

The site is located on a private residential road which is characterised by an informal arrangement of dwellings consisting of a variety of designs and scales.

RELEVANT SITE HISTORY

M/40/79	Removal - existing structure Erection of entrance lobby and extension to lounge	ApproveConditionally 25-07-1979
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REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water. Due to water inundation in the Lidsey catchment the applicant should adopt measures in table "Practical measures to reduce impact from development."

Comments on Consultation responses:

Noted. However, this is to replace an existing conservatory so there will be no additional impact on flooding.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

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

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

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

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

The proposed conservatory will replace an existing glazed entrance porch to the front of the dwelling and it is considered that it will enjoy a similar relationship towards the existing dwelling as does the current feature. It is also noted that there is a glazed porch to the front of the adjoining dwelling, No. 5 Templesheen Road. The proposed dwelling will bring the built area of the site further towards the road but a sufficient gap will remain between the conservatory and the road to prevent the spatial characteristics of the street being compromised. It is therefore considered that the proposed works will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area.

The conservatory is considered to be modestly sized in proportion to the main dwelling and will therefore maintain a visually subservient relationship towards it. The design of the conservatory is simple and unobtrusive and the pitched roof will compliment the pitched roof over the main dwelling.

The proposed conservatory will be positioned away from site boundaries and is modestly sized. The glazed elevations will also allow sunlight to permeate. It is therefore considered it will not appear overbearing or cause undue levels of overshadowing. Views towards nearest neighbouring windows would not be at a direct angle and will be interrupted by existing site boundary treatment.

It is therefore recommended that the application is 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 (insert number and description) 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 it has been determined that its approval would result in a neutral impact 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 such, there is no requirement for mitigation measures to be implemented.

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:-

Site Plan;
001;
MP14/DJ/01;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 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 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.