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

REF NO: **M/31/17/HH**

LOCATION: Ancton Manor
Ancton Lane
MIddleton on Sea

PROPOSAL: Demolition of conservatory & erection of timber framed garden room.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a replacement garden room with a maximum depth of 5.2m deep and a length of 9m. It would comprise a brick plinth wall to match the existing dwelling, oak timber framing, timber windows and a slate roof with 2 conservation style roof lights. The footprint of the existing conservatory would be increased in length by 0.7m and depth by 0.9m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mainly walling and hedging
SITE CHARACTERISTICS	Detached 2 storey dwelling in large grounds. The rear elevation has tile hanging at first floor level and painted render to the lower section of the elevation
CHARACTER OF LOCALITY	Predominantly rural. Fields opposite and behind. Farm buildings to the side

RELEVANT SITE HISTORY

M/6/90	Erection of an ancillary building in the form of a conservatory	ApproveConditionally 29-05-1990
M/72/14/HH	Replace boiler with external eco condensing boiler to rear	Withdrawn 03-11-2014

REPRESENTATIONS

Representations received:
Middleton Parish Council
No Objection
Comments on Representations received:
None

CONSULTATIONS

Listed Building Officer
Southern Water Planning
Engineers (Drainage)
Engineering Services Manager
Consultations responses received:
None
Comments on Consultation responses:
None

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Grade 2 Listed Building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	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)
		HER DM1 Listed Buildings
		HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 and is 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.

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 has taking place. 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. The examination was completed in September 2017.

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. 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; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Middleton does not have an adopted 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 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

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 are contained within Arun District Local Plan Policies GEN7 & DEV19 and the Middleton Design Statement which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY
This application seeks planning permission for a ground floor extension to the rear of the property. This would replace an existing conservatory. The traditional design with oak framing and a low pitch slate roof would be in keeping with the appearance and character of the listed host dwelling and would have no impact on the street scene. The design has resulted from negotiations involving the historic building adviser. The mansard roof and roof lantern originally proposed have been deleted.

The extensions would be visually subservient to the host property and adequately blend in with the use of matching and complementary materials. The extension is therefore considered acceptable in design terms and complies with policies GEN7(ii) and DEV19(i) & (ii) of the Arun District Local Plan and the Middleton Design Statement.

RESIDENTIAL AMENITY
The proposed ground floor extension would replace an existing structure of a similar size. It would be larger than the existing conservatory and would be in line with the side elevation of the dwelling. It would a gap of 1.7 metres from the nearest boundary and there are no residential neighbouring properties close enough to the dwelling house to be impacted by the garden room.

It is not considered that the proposed extension would cause any unacceptably adverse harm to the residential amenity of neighbours and would therefore comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY
The proposal is considered to accord with relevant development plan policies and as such is recommended for approval 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 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 :
Site Plan 16905/03 A and Plans and Elevations Proposed 16905/02 A.

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 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.