

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

REF NO: M/33/15/HH

LOCATION: 46 Lane End Road
Ancton
Middleton-on-Sea

PROPOSAL: Loft extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Addition of rear and front dormers to provide upstairs residential accommodation, consisting of 2 No. bedrooms, kitchen, bathroom, lounge and study.

SITE AREA

Approximately 453 metres squared.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front boundary of the site consists of a 0.3 metre high brick wall with a 1 metre high wrought iron gate. The remaining boundaries of the site consist of 1.8 metre high close boarded fencing.

SITE CHARACTERISTICS

The site is occupied by a semi-detached bungalow constructed of brick with a brown tiled roof.

CHARACTER OF LOCALITY

The character of the surrounding area is residential and consists primarily of bungalows of a similar design and style.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Middleton Parish Council

It was agreed to support the application contingent upon it being ancillary to the main house.

Comments on Representations received:

It is the view of the Local Planning Authority that the proposed dormer windows due to their position, size and scale are in conflict with policies GEN7 (ii) and DEV19 (i), (ii) and (v) of the Arun Local Plan.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water:-

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

We request that should this application receive planning 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 in to 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 the surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the 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.

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan

DEVELOPMENT PLAN POLICIES

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

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
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 considered to not comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and would 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 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

This application seeks permission for the addition of front and rear dormers to enable the provision of residential accommodation through the conversion of the loft. The proposal would create an additional 2 No. bedrooms, study, kitchen, lounge and bathroom and is capable of providing independent residential accommodation.

The proposed dormer would match in height the existing ridge height of the dwelling and extend approximately 7.7 metres in length on the northern elevation and will extend the height of the existing flat roof on the rear of the property by approximately 3 metres. The dormer along the southern boundary (party wall) will measure approximately 7.2 metres in length and exceed the existing ridge height on this portion of the roof by 0.7 metres. The dormer will measure approximately 9.7 metres in width on the primary elevation and will be a dominant feature within the street scene.

Due to the size and scale of the proposed dormer window and first floor extension it is considered to have a detrimental impact upon the character and appearance of the property and cannot be considered to be subservient to the host dwelling and therefore is considered to be in conflict with policies DEV19 (i) & (ii) and GEN7 (ii).

The eastern side of Lane End Road is comprised of three pairs of semi-detached bungalows of the same design and style of which the application site forms part of the southern most pair. The proposal will have an impact upon this established character and will adversely alter the appearance of the dwelling within the street scene in conflict with policy DEV19 (v) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposal will not give rise to any unacceptable adverse overbearing or overshadowing effects upon neighbouring properties. Whilst, a window is proposed at first floor level on the northern elevation it is shown as being obscurely glazed and non-opening below 1.7 metres and as such is not considered to give rise to any unacceptable overlooking. Therefore, the proposal is considered to be in accordance with policies GEN7 (iv) or DEV19 (iii).

CONCLUSION

Although the proposed works do not cause unacceptable harm to residential amenity, the impact

of the proposal upon the character and appearance of the dwelling and the wider locality is considered unacceptable. Therefore, it is recommended that planning permission is refused for the reason below.

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 dormer 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 first floor accommodation due to its layout, form, facilities and means of independent access will enable the formation of an independent unit of accommodation. The proposal would result in the unacceptable subdivision of the existing property harmful to the established character of the area contrary to policies GEN7 and DEV19 of the Arun District Local Plan and paragraph 64 of the National Planning Policy Framework.
- 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 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.