

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

REF NO: M/33/26/HH

LOCATION: Padraig Place
6 Ancton Way
Elmer
Middleton-on-sea
PO22 6JN

PROPOSAL: Rear extension with doors onto the garden; replacement of 1no. rear window and the regularisation of the existing annex space.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

M/28/26/CLP Lawful development certificate for the proposed erection Withdrawn
of an extension to the rear of the existing house; on north 03-06-26
elevation existing sliding doors to be replaced by a
window, existing doorway blocked up and replacement of
window; on east elevation existing window replaced with
new entrance door and side panel; on south elevation,
existing entrance door replaced with window and porch
returned to it's original state (uPVC doors and panels
removed).

REPRESENTATIONS

Middleton Parish Council - No objection.

No representation received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineers - Objection.

1 - Runoff destination

1.1.The designer proposes to discharge surface water to the existing drainage system. However, no details of this system, including its capacity or suitability to receive additional flows, have been provided. As such, the proposal does not accord with Standard 1 of the NSfS, as a discharge location in

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accordance with the drainage hierarchy has not been demonstrated. Consequently, it has not been shown that the site can be drained sustainably and, therefore, we object to the proposal.

1.2. Standard 1 of the NSfS states that runoff from development shall be discharged to the final destination in accordance with the following hierarchy:

- 1 - Collected for non-potable use.
- 2 - Infiltration to the ground - not proposed and not investigated.
- 3 - Discharge to an above ground surface water body - there is an ordinary water course to the west of the property.
- 4 - Discharge to a surface water sewer - private surface water sewer to highway.
- 5 - Discharged to a combine sewer - none available.

1.3. It is essential that each discharge destination is considered in strict priority order, with higher priority options fully explored and demonstrably exhausted before progressing to lower priority alternatives. Robust evidence must be provided to discount a higher priority destination. In this case, no groundwater monitoring or infiltration testing has been submitted, meaning infiltration to ground, being a higher priority discharge method, has not yet been ruled out and must be properly assessed before considering subsequent options.

1.4. To achieve an infiltration design, winter groundwater levels must be monitored to ensure that 1m of unsaturated ground is allowed for between the base of the soakaway or infiltration structure and the peak groundwater level. Ground conditions and infiltration potential are very variable in Middleton-on-Sea. Infiltration can be possible, but in parts, groundwater can be high or infiltration rates so low as to make infiltration unviable. This must be demonstrated by the applicant.

1.5. An ordinary watercourse can be found 35m to the west of site. The Lead Local Flood Authority (LLFA - WSCC) is the risk management authority for the ordinary watercourse. No evidence has been submitted to demonstrate that they have consented to the proposed works through the Ordinary Watercourse Consent process. Furthermore, the proposed discharge rates, volumes or flow parameters for discharge to the watercourse will also need to be agreed by this Authority. This is an expectation of the NSfS. Consent may also be required from the LLFA for any proposed works to the watercourse.

1.6. In addition, Arun District Council consent relating to the Land Drainage Bylaws may also be required. Please contact ADC at land.drainage@arun.gov.uk. If permission from the relevant authority is not obtained for the principle of discharging to the watercourse, then it is unclear how the applicant may drain surface water from the site.

1.7. A private surface water drain has been identified 25m to the south in the western grass verge of The Layne. Permission from the owner of the drain will be required, as will the evidence to prove that the system is fit for purpose and has capacity to take the additional flow. Topographical information would also be required as pumped systems are only allowable under exceptional circumstances.

1.8. The application site is in the Lidsey Wastewater Treatment Catchment Area. This catchment is the subject of a surface water management plan due in part to the recognised history of foul sewer flooding. The site is within a local flood risk zone identified within the surface water management plan. The plan states that flood risk from pluvial water, groundwater and public sewers is high. It states that "hydraulic overload of the foul sewer system has been confirmed."

3 - Extreme rainfall and flooding

3.1. Mapping data places the site at a future risk of flooding, in Flood Zone 3a. The source of this risk has not been acceptably identified and no Flood Risk Assessment Submitted.

3.2. The application should be supported by product 4 data for the site which can be requested from the Environment Agency. It is important that this information is submitted as it will demonstrate accurately the flood risk on the site and its source. SuDS features should not be located in fluvial flood zones. (Please see our guidance relating to this at www.arun.gov.uk/surfacewater). Without an accurate understanding of the flood risk on the site, we cannot assess if the proposed drainage strategy is compliant. Therefore, I object to the application.

POLICY CONTEXT

Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site includes a detached two storey dwelling on the northern side of Ancton Way. The proposal is for a single storey, rear infill extension, alterations to fenestration and regularisation of the existing annexe.

The rear extension would be 4m in depth, with a width of 6.6m, in line with the rear wall of the kitchen (which is set back from the rear wall off the annexe ((see bedroom one on the proposed ground floor plan)) by 1.25m). While the Arun Design Guide (ADG) advises that rear extensions should not exceed 3.3m in depth for detached dwellings, the proposal is acceptable in this instance, given the infill nature of the extension. The proposal retains a policy compliant rear garden depth of 15m. The extension would have a flat roof, built to the same height as the existing rear flat roofs, sympathetic to the existing form at the rear and would include two skylights. The sky lights would be symmetrically and centrally sited on the roof, compliant with ADG guidance.

Alterations to fenestration would be isolated to the north eastern corner, serving the annexe. Two windows on the east elevation are proposed to be blocked up, as well as a doorway on the northern elevation. The window serving the north elevation would be moved slightly east and enlarged. These changes are minor and would not result in harm to design and visual amenity.

Internal alterations have been proposed as part of the application in order to enlarge the annexe accommodation internally. The internal works would likely not require express planning permission. However, given the extent and provision of facilities within the annexe, it is reasonable to attach a condition to the application to ensure that the annexe remains ancillary to the host dwelling. The annexe is already in use and given the residential setting and the minor increase in footprint, the works would not result in harm to visual amenity or character of the area.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in regard to design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

Given the siting at the rear, the infill nature of the extension and central siting, the extension would not result in any harm to neighbouring amenity by way of overbearing or overshadowing.

Similarly, the alterations to fenestration would offer views of the rear garden only, resulting in no harm by way of overlooking.

The annexe, by its nature, would not result in levels of noise or activity that would be unacceptable for the residential character of the locality, resulting in no harm to neighbouring amenity.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in regards to neighbouring amenity.

LIDSEY TREATMENT CATCHMENT AREA

The site is located within a Local Lidsey Flood Risk Area. As such, the Council's Drainage Engineers have been consulted on the proposed development.

The drainage engineers have objected on the grounds that no surface water runoff location has been provided, as required by Standard 1 of the Non-Statutory Technical Standards for SuDS (NSfS). They also objected on the grounds that flood risk may be increased elsewhere (see sections 1 and 3 of the Drainage Engineer's response).

An extension of a similar footprint to that proposed in this application could be constructed under permitted development, with a negligible gap left between the existing rear projections and the proposed extension. Such a gap would not alter the drainage provision as a result of the development. Further to this, the extension would be built upon existing hard standing and would retain large areas of permeable surfaces at the rear of the site.

As such, given that a comparable extension of the same depth could be constructed under permitted development, and the proposed extension would extend over existing hardstanding, the proposal is in accordance with Arun Local Plan policies W DM1 and W DM3 and is acceptable in this instance.

SUMMARY

The proposal is in accordance with relevant Local Plan policies and is therefore recommended for approval, subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL liable.

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:

Location Plan SDF-L Plan-01
 Block Plan
 Block Plan SDF-BP-01 Rev B
 Proposed North and South Elevations SDF-ELE-01 Rev C
 Proposed East and West Elevations SDF-ELEV-02 Rev B
 Proposed Ground Floor Layout SDF-GA-03-Rev G
 Existing and Proposed Roof Plans SDF-RP-01 Rev A
 Design and Access Statement
 Biodiversity Enhancement Statement
 Lidsey Drainage Impact Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 6 Ancton Way and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.