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

REF NO: **M/35/14/HH**

LOCATION: 1 Kingsmead Gardens
Middleton on Sea

PROPOSAL: Single storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension will bring the northern elevation of the property up to the site boundary.
SITE AREA	Approximately 575 square metres.
TOPOGRAPHY	The site itself is predominantly flat but raised approximately 0.5 metres above the level of land to the north.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Approximately 1 metre high brick wall to the side (north) of the dwelling. Rear and southern boundaries marked by approximately 1.8 metre high timber fencing. There is an approximately 1.8 metre high brick wall extending along the front boundary.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling that has red brick elevation walls and a tiled, gable roof. An extension has been added to the side and a conservatory has been added to the rear.
CHARACTER OF LOCALITY	The site is located on a residential cul-de-sac that is bordered by a linear arrangement of bungalow dwellings that are set back from the road.

RELEVANT SITE HISTORY

M/176/88	Extension for two additional bedrooms	ApproveConditionally 05-12-1988
M/23/03/	Provide first floor extension to existing single storey building.	Refused 02-04-2003

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

A formal application for connection to the public sewerage system is required. Should any sewer be found during the 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 work commences on site.

Due to surface water inundation issues in the Lidsey Catchment the developer should look to protect the public sewerage system from inundation and infiltration.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1	Aspects of Form and Quality
	D DM4	Extensions & Alterations to Existing Buildings
	D SP1	Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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 extension is single-storey and modestly sized and will therefore not alter the overall character of the building, which is of a detached bungalow dwelling. The dwelling will therefore remain in keeping with the other bungalow dwellings that line the street and, as such, there will be no unacceptable adverse impact upon the character and appearance of the surrounding area.

The extension is considered to relate sympathetically towards the existing dwelling in terms of design and scale. The proposed extension will continue existing roof eaves and ridge lines, producing a smooth visual transition between the existing building and the extension and, as such, a strong level of visual integration. The modest size of the extension will ensure that it maintains visual subservience towards the host building.

The proposed extension is modestly sized and will not be positioned adjacent to any boundary that is shared with neighbouring residential properties. Therefore, the extension will not appear overbearing or cause undue levels of overshadowing which would be detrimental to residential amenities. Views from ground floor windows towards neighbouring residential properties will be interrupted by site boundary treatment and will therefore not be invasive.

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 8 (right to respect for 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, 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 plan:-

01.A;

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 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 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.

5 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Due to surface water inundation issues in the Lidsey Catchment the developer should look to protect the public sewerage system from inundation and infiltration. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.