

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

REF NO: M/35/18/HH

LOCATION: 36 The Layne
Elmer
Middleton
PO22 6JL

PROPOSAL: Demolition of existing side single storey extension & erection of side two storey extension plus dormer projection.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the demolition of a ground floor garage and rear extension replacing it with a 2.5 metre two storey side extension on the side set back 1.1 metres from the side boundary. It would have a flat roof extending across to the main roof plane of the existing dwelling and be 5.3m in height, the flat roof would be approximately 0.4m below existing ridge level and an extension of the box dormer at first floor level on the west side of the property increasing its projection from 1 metre to 50 cm set back from the eaves level and increasing the length of the box dormer to the rear of the property by from 3.4 metres in length in a central location to 4.6 metres in length with the same front elevation extending toward the rear of the property coming to within the 1.4 metres of the main rear elevation of the property.

The materials of construction would be grey cedar cement weatherboarding to the first floor elevation and render to the ground floor to match the existing.

The intention is to modify the upstairs of the property to create an annexe for the brother of the applicant who is recuperating from an illness creating an additional bedroom in the property and kitchen and bathroom facilities at first floor level.

SITE AREA

N/a

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Open plan to front boundary with 1.8 metre close boarded fencing to the rear garden.

SITE CHARACTERISTICS

Detached chalet bungalow. There is a large flat roof dormer extension on the northern roof slope. The property has a parking area/driveway and garden to the front and a large rear garden. The building is constructed of painted render at ground floor with weatherboard gable ends to the front and rear and a

tiled chalet bungalow roof with a dormer to the northern roof slope.

CHARACTER OF LOCALITY

Predominantly residential characterised by similar sized dwellings of varying design in relatively large plots. Many properties have been extended at first floor level and some have been redeveloped.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

No objection.

1 Neighbour objection

- Window facing side elevation of 34 The Layne to be obscure glazed and non opening to protect amenity of their shower room window at first floor level.
- Concern that the property is to be converted into two flats.
- Concern at loss of parking as garage lost and 4 bedroom property.

1 letter in response from applicant.

- independent living space for relative at first floor level.
- Proper drainage to be provided and layout of car parking/landscaped gardens to the front/rear gardens.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Matters raised addressed in the conclusions section of the report below.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Southern Water - no objection, informative applied.

ADC Drainage - No objection subject to conditions

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
DEV19	Extensions to existing residential buildings
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, Modified - Arun Local Plan - January 2018 Consultation Version, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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. Consultation and a further examination in public has taken place. The examination was completed in September 2017. The Main Modifications have been amalgamated with the Arun District Local Plan 2011-2031 (Publication Version) October 2014 to form the 'Modified - Arun Local Plan (2011-2031) - January 2018 Consultation Version' which was out for public consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

In conclusion the emerging Local Plan, the 'Modified Arun Local Plan - January 2018 - Consultation Version', is at a very advanced stage and carries significant weight.

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.

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-on-Sea are not currently preparing a neighbourhood plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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

The following material considerations apply in this case;

1) Under permitted development rights in accordance with the Town and Country Planning (General Permitted Development) Order 2015 as amended box dormers can be created which would have a similar impact on the front elevation of the property to that here proposed.

2) Two similar planning applications for large box dormer extensions on chalet bungalows have been approved in the last two years at bungalows opposite the application site on The Layne - M/26/17/HH and M/131/17/HH and many properties in the locality have box dormer extensions.

CONCLUSIONS

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are deemed to be GEN7 and DEV19 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The application seeks permission for the construction of a two storey flat roofed extension to the south side of the property and the extension of an existing box dormer to the north side of the property. In effect large box dormers will be created on both sides of the chalet roof of the existing dwelling. The proposal includes the conversion of the existing garage to provide additional accommodation.

It is considered that the proposed additions would not appear subservient nor will they appear well integrated with the host dwelling by virtue of their mass, scale and bulk. Therefore, it is considered that

the proposed development will fail to accord with policies DEV19(i) and (ii) of the Arun District Local Plan.

However, despite the proposals failure to appear subservient or well integrated it is considered that when viewed from the street the proposal would not have an unacceptably adverse impact upon the established character of the host dwelling given the material considerations that other properties have similar box dormer and two storey extensions and large box dormer extensions of a similar impact could be constructed under permitted development rights and therefore the proposal would not have an unacceptable impact upon the established spatial pattern or character of the street scene. In essence, the impact of the proposed extensions are lessened due to the existence of similarly extended chalet bungalows opposite and close by and a plethora of different box dormer extensions on The Layne nearby.

Therefore, it is not considered that the proposal will accord with policy GEN7(ii) or DEV 19 of the Arun District Local Plan. However the design of the proposed extension in its setting is not so harmful in terms of visual appearance and impact that refusal of planning permission is justified on design grounds when other material considerations, such as other development in the area, are taken into account.

RESIDENTIAL AMENITY

The neighbouring properties are both chalet bungalows with box dormers and front and rear elevations of the same building line as the applicant's property. Both only have secondary obscure glazed bathroom windows fixed shut below 1.7 metres in height at first floor level in the facing box dormers. As such it is not considered that the proposed windows would be caused a significant overbearing impact or loss of light by the proposed extensions.

The proposed window in the box dormer facing 34 The Layne is to be a secondary window which would be conditioned to be obscure glazed and fixed below 1.7 metres in height and therefore no loss of privacy would occur.

There are two windows proposed in the box dormer on the north side of the property. The bathroom would be obscure glazed and fixed shut below 1.7 metres in height. The proposed side facing lounge and kitchen window would face toward a blank dormer wall with an oblique view toward the obscure glazed bathroom and bathroom window in the box dormer at 38 The Layne and would have oblique views toward the ground floor south facing elevation and rear amenity areas of 38 The Layne. It is not considered that a significant loss of privacy would result from the proposed first floor windows on the north side.

The proposed extension would not project further forward or rear of the existing elevations of the applicant's property and therefore no amenity impacts on the properties to the front or rear would occur.

The proposed accommodation at first floor level would in effect create an annexe for an infirm family member to live sharing the same front door and some facilities with the main house as the family member which is considered acceptable subject to a condition preventing the first floor being used a separate unit of accommodation.

Therefore, the proposal is deemed to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

PARKING

The proposed extension would involve the conversion of the existing garage to habitable accommodation. No parking plan has been provided however there is adequate room on the existing front drive and front garden to accommodate 2 or 3 cars and the applicant has indicated that it is

intended to provide sufficient car parking on the site. Car parking spaces could be created or removed without the need for planning permission under permitted development rights and therefore it is considered that a specification of car parking is not required in this case.

The proposal is considered to comply with policy GEN 7 (viii) and policy GEN 12 of the Arun District Local Plan.

SURFACE AND FOUL WATER DRAINAGE

The proposed development is considered acceptable with regard to surface and foul water drainage . only 2 square metres of additional land is to be developed at ground floor level and therefore it is not considered necessary to apply surface water drainage conditions to this application however the informatives and a condition relating to the discharge of water into the culvert to the rear of the property recommended by the Council's Drainage Engineers and Southern Water would be applied.

The proposal is considered to comply with policy GEN 9 of the Arun District Local Plan.

SUMMARY

The proposed development is considered to be acceptable with regard to visual amenity due to other material considerations and otherwise is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions;

HUMAN RIGHTS ACT

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;
Sheet 1 of 3 - Proposed Ground Floor Plan and Block Plan received on 20-03-2018.
Sheet 2 of 3 - Proposed 1st Floor Plan and Elevations received on 20-03-2018.
Sheet 3 of 3 - Proposed Roof Plan received on 20-03-2018.

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 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 4 The accommodation at first floor level hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 36 The Layne as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan 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.

- 5 The bathroom windows on the north elevation and the stairwell window on the south elevation of the building shall at all times/be glazed with obscured glass and fixed to be permanently non-opening below 1.7 metres in height from the internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 INFORMATIVE: Southern Waters current sewerage records do not show any public sewers to be crossing the above site. However, 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.

- 7 INFORMATIVE: ADC Drainage

Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the

winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

We also note that a highway drain may run along the southern boundary of the site connecting to the watercourse to the west. The exact location of this may need to be investigated and it is encouraged that the developer consults with us.

8

INFORMATIVE:

Any proposed surface water scheme must consider sustainable drainage principles.

SuDS Selection

The following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground (infiltration);
2. Controlled discharge to a surface water body;
3. Controlled discharge to a surface water sewer.

Surface water must not be discharged into the foul sewer system. Infiltration structures include soakaways, basins, swales and permeable paving. Discharge to surface water bodies and surface water sewers must be restricted to an agreed rate.

SuDS selection hierarchy based on:

CIRIA C753 - The SuDS Manual

BS8582:2013 - Code of Practice for Surface Water Management for Development Sites

Approved Document H of the Building Regulations

Infiltration Drainage Design

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method, and cater for the 1 in 10 year storm event between the invert of the lowest entry pipe into the infiltration structure and the base. For the purpose of design, the percolation rate must be applied to the sides of the infiltration structure only and the rate for the base must be zero. This does not apply to infiltration basins or permeable pavements, whereby the percolation rate is applied to the base only. There must be provision to ensure that there is capacity in the system to contain the 1 in 100 year storm event plus 40% on stored volumes, as an allowance for climate change. The infiltration structure should also drain 50% of its total volume in 24 hours or less for both the 1 in 10 and 1 in 100 year (plus 40%) storm events, in order to provide spare capacity for subsequent storms.

Any infiltration drainage design must include adequate winter groundwater monitoring data to determine the highest winter groundwater table. Residential developments in excess of five properties will require ground water monitoring to be carried out between October and March

inclusive. The extent of monitoring required for smaller developments will be subject to agreement with the Council's Engineers.

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded groundwater level identified in that location.

Restricted Discharge

Discharge to a watercourse or surface water sewer must be restricted to the estimated mean greenfield runoff rate (Q_{bar}) by means of a controlled outflow (or restricted to existing runoff rates for brownfield sites). This can be derived from IH124 or a similar approved method. Any storage design must be submitted with groundwater monitoring data where applicable to ensure there will be no detrimental effect on the structure or storage. Storage areas are preferred to be in an 'open' form such as ponds, rather than underground tanks.

Flow Exceedance Routes

The drainage design should show flow routes through the proposed development, demonstrating where surface water will be conveyed for three types of flow:

1. Low flow routes

Regular flow from source control features such as permeable pavements should travel in low flow channels through the development in a controlled way contributing to landscape quality.

2. Overflows

In the event of local blockages or surcharge a simple overflow arrangement should allow water to bypass the obstruction and return to the management train sequence until conditions return to normal.

3. Exceedance routes

When SuDS are overwhelmed by exceptional rainfall, then exceedance routes are required to protect people and property. These provide unobstructed overland flow routes from the development and should be considered for all drainage schemes. Exceedance routes should also be protected from future changes in land use.

Culverting a Watercourse

Culverting (piping) a watercourse is not advised unless there is no alternative. The resulting reduction in storage volume, flow capacity and habitat potential would be unacceptable. Culverted watercourses are also more difficult to maintain due to the limited accessibility.

Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council - land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in the watercourse. Such works may include culverting, channel diversion and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted.

See also:

Land Drainage Act 1991 (amended 1994)

Maintenance and Management

Ditches and watercourses (including culverts) should retain a three metre easement with access that allows for its future maintenance.

Details of the maintenance and management of the SuDS system are to be set out in writing in a site specific maintenance manual. This manual shall include details of the financial management and arrangements for the replacement of components at the end of the manufacturers recommended design life. This document is then to be submitted as part of the planning process.

References

The Building Regulations 2000
Drainage and waste disposal
Approved document H
ISBN: 1-859462-08-1

Building Research Establishment,
Soakaway Design - Digest 365 (BRE 365)
ISBN: 1 86081 604 5, 1991

Centre for Ecology and Hydrology
Flood Estimation for Small Catchments - IH Report 124 Marshall, D.C.W. & Bayliss, A.C.
ISBN: 0948540621, 1994

CIRIA
C697 The SUDs Manual
Woods-Ballard, B.; Kellagher, R. et al
ISBN: 978-0-86017-697-8, 2007

CIRIA
R156 Infiltration Drainage - Manual of Good Practice
Bettess, R.
ISBN: 0 86017 457 3

British Standards Institution
BS8582:2013 - Code of Practice for Surface Water Management for Development Sites

- 9 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 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.