

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

REF NO: M/39/17/HH

LOCATION: Middleton House
Yapton Road
Middleton on Sea

PROPOSAL: Demolition of existing garage, side porch, rear annexe & walkway & erection of two storey extension on western elevation, two storey & single storey extensions on eastern elevation, conservatory, basement & new garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for the following;

Demolition of a ground floor detached garage to the side of the property, rear & side ground floor extensions and rear two storey extension to be replaced and added to by;

A two storey hip roofed extension projecting up 8 metres at the rear and 5.5 metres at the side to within 1.8 metres of the boundary.

The footprint does not extend further than the exiting garage to the rear or to the side as it is abutting the boundary. A gap of 2.2 metres from the extension to the boundary will be created where the former garage was on the boundary however it will be a mix of single and two stories with the rear 4.5 metres being a leant pitched roof single storey extension ring a flat two storey extension. The height of the two storey element of the extension would be 5 metres in height (the existing building is a three storey building) with hips to the front and rear with a lean to roof height of 8.6 metres 0.8 metres lower than the main ridge height.

There are two side facing windows at first floor level facing toward Alvine Cottage to the north however they are en suite bathroom windows. A condition to ensure they are fixed shut below 1.7 metres and obscure glazed could be applied in the event of approval of the application.

The proposals also include a cellar extension under the two storey extension to the side.

A chalet roofed triple garage in front of the

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dwelling house on the south side in the large front garden with a first floor utility room in the roof is also proposed as part of the application. It would 2.3 metres to the eaves with a wide pitched roof rising to 5.5 metres in height.

4.6 metres to the main property and a detached garage to the front of the property with rooms above as follows;

A wraparound two storey extension on the north side with rooms in the roof two storey side extension

SITE AREA

1700 sq.m.

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Hedging/tree belt to the front. 2 metre close boarded fence and/or trellis to the side boundaries.

SITE CHARACTERISTICS

A large three storey detached house with a gable end roof, two storey extension to the rear and ground floor extensions and a detached garage.

CHARACTER OF LOCALITY

A residential area consisting of similar detached properties on large plots shrouded in mature trees and landscaping immediately to the north, south and east of the property on the east side of Yapton Road with more modern modest sized detached properties on a modern housing estates to the west across Yapton Road (back gardens and 2 metre fences facing) and to the east

RELEVANT SITE HISTORY

M/34/51	Change of use from dwelling house to school	ApproveConditionally 09-01-1952
M/34/51/A	Conversion of garage into toilets	Approve 02-04-1952
M/34/51/B	Covered way	Approve 15-09-1954
M/34/51/C	Change of use of school to dwelling house	Approve

M/34/51/D

Garage

18-11-1959

Deemed Perm

12-10-1966

The property was granted permission extend over 75 years ago and was given permission to change its use to a school.

REPRESENTATIONS

Representations received:

Middleton Parish Council

The committee unanimously objected because:

Overall mass, height and scale

Overdevelopment of the site

A neighbouring property at 3 Ilex Way some 30 metres away across Yapton Way with a rear elevation facing the front elevation of the current dwelling house has not objected but raised the following concerns;

This garage building will be in front of the present building for properties in Yapton Road. The garage building is 5 to 6 metres tall, way above the height of other garages in the vicinity and close to the road much higher than other neighbours garages.

The building materials of the side elevation facing Yapton Road need to be of a blending colour and materials.

Request for a Tree Preservation Order on the existing trees because the trees would keep the property in line with the character of the area.

Comments on Representations received:

The extensions are not considered to be overly dominant or overwhelm the existing dwelling. They would be no higher than the existing dwelling and would be staggered in relation to the elevations and roof line. Given the overall plot size, the mature screening to the site frontage and the position of the extensions the resultant overall extent of development, mass, height and scale are considered acceptable.

It is not considered that a tree preservation order is necessary. The Council's tree officer has viewed the site and has not recommended an Order is imposed. The submitted landscaping plans indicate that the existing trees are to be retained and are not therefore under threat.

The agent has confirmed that the applicant wishes to retain and indeed supplement the trees/shrubs to provide screening for safety and privacy.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Ecology Advisor

Consultations responses received:

Ecology Officer - Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the

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local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Following submission of the Preliminary Ecological Appraisal, Internal and External Bat Inspection September 2017 we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place. We would also like the reports from the subsequent activity surveys submitted to us for review prior to works commencing.

Reptiles

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles

If the small vegetable patch is removed this should be done using a precautionary approach. The clearance of this area should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood, or rubble piles should be dismantled by hand and relocated

Badgers

Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

If there are any deep pits or holes onsite during the works there should be a secured plank within them to allow a means of escape of any animals.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Tree Officer -

- There are two Apple trees close to the rear of this new extension - the closest is of very poor quality and should really be removed prior to any works starting on site. The furthest tree is dead.

- There is a Walnut to the southeast side of the house - it has rootplate lifted in the past and attempts have been made to prop it up - IF the intention is to retain this tree then it should be protected during the build process.

- At the front of the property along the southern boundary line there is a line of Leyland Cypress of poor quality that will be quite close to the position of the new garage - they will not be affected by these proposals.

Recommendations:

- The two Apple trees should be removed.
- The Walnut can be protected by erecting HERAS panels in rubber blocks to encompass its crown spread.
- The Leylandii require no protection measures to be applied.

Southern Water - Southern Water requires a formal application for a 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, a relevant informative is

attached to the consent.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

Drainage Engineers - Engineers comments in respect to surface water drainage:

Infiltration must be investigated for surface water disposal.

Please apply standard condition ENGD2A.

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 30% 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 this with the Council's Engineers, who already hold information in this respect. Supplementary guidance notes are also enclosed for information.

Comments on Consultation responses:

Comments noted. The suggested conditions have been imposed. Tree Protection is included in the landscape condition.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS B ROAD

DEVELOPMENT PLAN POLICIES

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

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design
Quality

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

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
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
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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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications.

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 in accordance with policy GEN 2 of the Arun District Council Local Plan. The development proposal is therefore acceptable in principle, subject to accordance with other relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan which in this case are GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon the sites and neighbouring properties visual and residential amenities.

DESIGN AND VISUAL AMENITY

The front ground floor extension would have a roof shape to match the main dwelling house and materials to match, Neighbouring properties have garages in the front gardens and high hedges and front boundary walls (approx. 2/3 metres on height). The boundary treatments to the front combined with the long front garden of the applicants property at 17 metres in length, prevents any adverse effect on the building line or the visual amenity of the area when viewed in the street scene.

The rear extension would not have an impact on the street scene.

The design of the extensions and materials of construction visible from the street scene and limited impact of the proposal means that the extensions will harmonise as a whole with the

existing dwelling. The extensions are considered to be in keeping with the established character set by neighbouring properties. The proposed development is therefore considered to comply with relevant policies, GEN7(ii) & DEV19 (i),(ii)&(v) of the Local Plan and the Middleton on Sea Village Design Statement.

NEIGHBOUR AMENITY

The proposed ground extension would not significantly effect the neighbouring property in terms of overshadowing, overlooking, overbearing impact.

The only affected property would be Crossways, a two storey detached dwelling immediately to the north which is set back 2.3 metres from the shared boundary with an intervening driveway.

The ground floor window at the front of Crossways closest to the shared boundary would not be impacted by the front bedroom extension despite the ridge height of 4.8 metres of the proposed front extension. This is because the proposed extension would not intersect a 45 degree line drawn from the centre of the affected window. The Council uses the 45 degree rule to ensure that neighbouring properties windows are not adversely affect in terms of overshadowing or overbearing impact caused by proposed new developments.

Crossways does not have any primary habitable room windows on the south elevation facing at ground or floor level (it does have a secondary window serving the living room to the front in the side elevation) such that the new rooflights, front and rear extension would not be adversely impacted in terms of residential amenity issues.

The other neighbours to the rear and to the south of the applicant's property (Per Terram) are separated by a sufficient distance with no impacted windows caused by the proposals.

The proposals as a whole, subject to the condition mentioned above, are considered to be acceptable in terms of residential amenity in accordance with policies GEN7(iv) and DEV19(iii) of the Local Plan.

The application is recommended for conditional approval.

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;

Dwg.no. SLP-01 REV A - Site Layout dated 04/10/16
Dwg.no. SLP-02 REV P4 - Boundary constraints dated 09/01/17
Dwg.no. PL.01 Rev P1 - Basement Plan dated 22/12/16
Dwg.no. PL.02 Rev P1 - Ground Floor Plan dated 22/12/16
Dwg.no. PL.03 Rev P1 - First Floor Plan dated 22/12/16
Dwg.no. PL.04 Rev P1 - Second Floor Plan dated 22/12/16
Dwg.no. PL.05 Rev P2 - Garage Plans and Elevations dated 22/12/16
EL.01 Rev P1 - Proposed Elevations dated 22/12/2016
MIDDLS01 Landscaping Strategy

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extensions and garage hereby permitted shall match in colour and texture those of the existing building.

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

- 4 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species,

unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The development shall proceed in accordance with the wildlife mitigation measures detailed in the Preliminary Ecological Appraisal, Internal and External Bat Inspection September 2017. Any reports from the subsequent activity surveys shall be submitted to and approved by the Local Planning Authority prior to works commencing.

Reason: In the interests of amenity in accordance with policy GEN7 of Arun District Local Plan. This condition needs to be pre commencement in part to ensure protection of protected species.

- 6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 8 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing. The applicants should be aware that a Natural England Protected Species Licence will be required for the works,

and this will need to be obtained prior to any works taking place.

- 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.
- 10 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."

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 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.

- 11 INFORMATIVE: Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.