

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

REF NO: M/40/20/HH

LOCATION: 12 East Avenue  
Ancton  
Middleton-On-Sea  
PO22 6EG

PROPOSAL: First floor and ground floor side extensions.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION      The application seeks to construct ground and first floor extensions to the host dwelling.

**REPRESENTATIONS**

Parish Council - No objection.

6 letters of objection from two households:

- Over-development of the site.
- The proposal would appear imposing and intrusive.
- The construction is not in keeping with other dwellings.
- The proposal leads to a loss of the open aspect of the area.
- The dormer is too large for the dwellings.
- The front East window will provide views into a neighbouring bedroom window.
- The first floor extension is out of keeping with the area and will impact the private amenity area of the garden of #14.
- There will be an overshadowing impact a loss of daylight to the neighbouring dwelling.
- The design is substandard.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

None

**POLICY CONTEXT**

Built up area boundary

**DEVELOPMENT PLAN POLICIES**

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

|      |                                                         |
|------|---------------------------------------------------------|
| DDM1 | D DM1 Aspects of form and design quality                |
| DDM4 | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1 | D SP1 Design                                            |

**PLANNING POLICY GUIDANCE:**

|       |                                     |
|-------|-------------------------------------|
| NPPDG | National Design Guide               |
| NPPF  | National Planning Policy Framework  |
| NPPG  | National Planning Practice Guidance |

**CONCLUSIONS****PRINCIPLE**

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Middleton on Sea does not have a Neighbourhood Plan although does have a Village Design Statement. This does not have specific policies however refers to design guidelines for future development.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

**DESIGN AND VISUAL AMENITY**

The application seeks to construct a ground floor extension to the southern elevation and a two storey side extension to the north.

The existing property has a porch to the side elevation and this will be extended 3m in width with a first floor added above which will run alongside the northern boundary with a depth of 5.3m. The extension will have a height of 5.4m which is set slightly below that of the ridge.

As a result of the size and its siting, the proposal will add bulk to the front elevation of the property and will be visible from the street scene, however with the property set back from the road, it is not deemed to appear unduly dominant. The surrounding area is mixed in design and style and whilst the addition will alter the appearance of the dwelling, it is not considered to result in the dwelling appearing out of character with the area. The materials will also match existing which helps to ensure its integration.

There will also be an extension to the southern elevation with a width of 2m and depth of 3.4m. This is smaller in scale with a flat roof and considered acceptable.

The proposal due to the mixed character of the area, set back from the street scene is not considered to adversely impact the spatial pattern or character of the area and accord with D DM1 and D DM4 (a) and (e) of the Arun Local Plan.

**RESIDENTIAL AMENITY**

The two storey side extension will have a flat hipped roof and will retain just over 1m to the side boundary.

Due to the size, the proposal will add additional bulk to the side elevation and as a result of the siting of the neighbouring property at No.14 which is located at a slight angle to the host dwelling, with the extension sited to the rear of the adjoining property, it is considered to result in an adverse overbearing

impact. It is considered that the two storey addition will have a significantly detrimental impact on the occupiers at No.14 due to the bulk and proximity resulting in an unneighbourly form of development and adversely impact upon the private amenity space.

The addition will have 2 windows to the first floor looking east towards the street scene. These may give rise to views over the conservatory which runs along the southern side of No.14. There are also concerns from nearby occupiers that the front facing windows will overlook a bedroom. There are windows to the south and west of No.14 and whilst there may be a possibility for slight overlooking, it is not considered any overlooking would be significant, with an angle of 45 degree used to assess adverse overlooking impacts.

Additional windows to the rear will overlook the garden of the host dwelling and likely that of the property at the rear at No.4 Harefield Road, however, due to the separation distance it is not considered to be adverse with no views directly into the rear facing property.

As a result of the siting and size of the development, it is deemed to give rise to unacceptable adverse overbearing impact upon the private amenity space of the occupiers at No.14 and as such is in conflict with D DM1 (3) and D DM4 (c) of the Arun Local Plan. The Middleton Village Design Statement also states 'development should maintain privacy enjoyed by neighbouring properties' and as such the proposal does not comply with this.

#### **PARKING**

The side extension is located to the front of an existing garage and therefore would remove its vehicular access. Whilst this would remove a parking space there is sufficient space retained to the front of the property for the parking of 2-3 cars and as such is not deemed to adversely impact parking in the area.

#### **SUMMARY**

The proposed development is conflict with relevant development plan policies and as such is recommended for refusal.

#### **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), 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 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.

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| <b>RECOMMENDATION</b> |
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REFUSE

- 1 Due to the size and siting of the two storey side extension it will be unduly dominant and have an overbearing and unneighbourly impact upon the occupiers at No.14. East Avenue in conflict with policies D DM1 (3) and D DM4 (c) of the Arun Local Plan.
- 2 **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.