

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

REF NO: M/42/15/HH

LOCATION: 37 Lane End Road
Ancton
Middleton-on-Sea

PROPOSAL: Side & rear single storey extension (resubmission following M/10/15/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application follows one recently refused (M/10/15/HH) due to the impact on the occupiers of an adjoining dwelling.

It is still proposed to demolish an existing garage located immediately to the rear of this dwelling and adjoining the side boundary. This would also still be replaced by a larger side extension and rearwards extension.

The proposed has however been revised to be located further away from the boundary with the adjoining dwelling and the front wall has been moved back to be 2.9m from the front of the dwelling. The first 2.35m depth of the extension has been limited to 1.367m in width out from the side of the existing dwelling. This element will be between 2.0m and 2.5m from the side boundary.

The next 3.66m depth of the extension is stepped outwards by 1.02m and would be 0.9m from the side boundary falling to 0.1m at the rear of this element. A further rear side element of the proposed Lounge extension is 4.2m deep along the boundary. The proposed extension still incorporates a flat roof and would still not extend further back than the existing garage on the boundary, which extends a further 3m on the boundary at the present time.

Previously the extension under M/10/15/HH was proposed to be much closer to the side boundary, starting at 0.7m and reducing over a depth of 4m to be 0.1m away from the side boundary for a considerably great depth.

SITE AREA

The site area is approximately 0.04 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)	The immediate area is a relatively low density one and has been developed with bungalows and chalet bungalows with rooms in the roof space.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The application site has a wooden panel fence on the site frontage, this is up to 1.8m high approximately, although height varies due to its somewhat decorative design. The side boundary with no.39 adjacent is a chain link fence of approximately 1.5m up to the corner of the garage on the application site. The garage wall then forms the side boundary.
SITE CHARACTERISTICS	The site accommodates a chalet type dwelling with a steep roof pitch and a room(s) in the roof. There is a dormer in the south facing roof plane but not in the north facing roof plane and there are no roof lights in the side facing roof planes, but there is a window in the front and rear gables. The dwelling has a gravelled parking and turning area to the front and the exterior has recently been renovated.
CHARACTER OF LOCALITY	The general character of the area is medium density, characterised by detached chalet type bungalows and bungalows, each of similar design.

RELEVANT SITE HISTORY

M/10/15/HH	Side & rear single storey extension	Refused 25-03-2015
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The previous application M/10/15/HH (see also Description of Application above) was refused as it was considered to be unacceptable impact, since the adjoining bungalow is to the north and there there would have been likely to be loss of light to the side access path. The extension was also considered to result in the side path becoming a passageway and a significant and unacceptable change to the character of the pedestrian access to the adjoining bungalow. The extension on the boundary was also considered to be dominant and to tend to result in the creation of a feeling of overbearing and oppressiveness. It was considered that there was significant harm to residential amenity.

The proposed extension was also considered to be likely to result in unacceptable light loss to the corner bedroom of the adjoining bungalow as a consequence of its height and proximity to the

boundary. Given that this bedroom has a small front and small side window in a corner location, there would have been a perceptible loss of light. It was therefore considered that there was unacceptable harm to residential amenity.

The previously proposal was therefore refused for the following reason:

The proposed side extension and the resultant infilling of the gap would create an unacceptable overbearing and oppressive tunnelling effect and loss of light to the adjoining property harmful to the residential amenities of occupiers. The proposed development is not therefore consistent with policies GEN7 and DEV19 of the Arun District Local Plan and policy DDM4 of the Publication Version of the Local Plan (October 2014) nor with advice contained in the National Planning Policy Framework.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Middleton Parish Council raises no objection.

The adjoining occupiers to the north have maintained an objection to the proposed extension for similar reasons to their previous objections and on the following grounds:

1. The extension would be only 1.8m from the objector's front door, which is located in the side elevation.
2. The 3m height of the extension is above the height of the guttering on the adjoining dwelling and the height will result in light loss through the front door, which has been changed to include glass panels to maximise light into the small hallway. Both occupiers are disabled and require as much light as possible for safety reasons.
4. Loss of sunlight to the side pathway serving the adjoining bungalow is likely to result in the growth of moss and make this slippery and dangerous for disabled users. This path already has to be cleaned once a year where it adjoins the existing garage.
5. Party Wall Act, Section 6. There is concern that excavations and foundations may cause harm to the adjoining bungalow and might also encroach onto/under that property.

A previous objection ground that the extension would result in significant light loss to the small front corner bedroom of the adjoining dwelling has not been put forward.

In summary, the objector considers that the proposed extension will significantly decrease daylight/sunlight into/onto their property and has concerns about construction.

Comments on Representations received:

See the Conclusions section of this report.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water raises no objection. An informative is to be added regarding sewer connection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

There is no Made Neighbourhood Plan for Middleton-on-Sea.

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 applicant has sought to mitigate the impact of the proposed extension by setting it further away from the boundary, as described in this report.

It is considered that the revised design results in a greatly reduced impact from that which would have previously occurred. Separation from the boundary is now considerably greater,

The front wall has been moved back to be 2.9m from the front of the dwelling. The first 2.35m depth of the extension has been limited to 1.367m in width out from the side of the existing dwelling. This element will be between 2.0m and 2.5m from the side boundary.

The next 3.66m depth of the extension is stepped outwards by 1.02m and would be 0.9m from the side boundary falling to 0.1m at the rear of this element. A further rear side element of the proposed Lounge extension is 4.2m deep along the boundary. The proposed extension still incorporates a flat roof and would still not extend further back than the existing garage on the boundary, which extends a further 3m on the boundary at the present time.

It is considered that the revised scheme ensures that impact on light has been limited to an acceptable level and that the extension will not now be unduly dominant. There is considered to be no significant harm to residential amenity such that refusal of planning permission would be justified.

It is therefore recommended that planning permission be granted 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 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 (negative, Neutral or positive) 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).

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 drawing:

Revised Drawing Entitled, Extensions & Alterations - Received with Revised Planning Application.

Revised Block Plan - Received with Revised Planning Application

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 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 No windows (other than those shown on the plans hereby approved) shall be constructed in the north side elevations of the extension hereby permitted which adjoin the side boundary facing no.39 Lane End Road without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 5 INFORMATIVE: Southern Water has advised that due to changes in legislation that came into force on 1st October 2001 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public might cross the site or be close to it/affected by development potentially. 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 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)

- 6 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.