

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

REF NO: M/42/17/HH

LOCATION: 14B Sea Way
Middleton on Sea

PROPOSAL: Demolition of 1 No. shed & garage & erection of two storey side extension, driveway & entrance gates.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

The proposal is for an extension to the existing 2 bedroom property to create a significantly larger 2 storey 4 bedroom dwelling with a ridge height of 6.8m, a length of 15.5m and a depth of 8.8m at its deepest point. The extension would be 1.3m higher than the existing property and 12m longer, but no deeper.

SITE AREA

1,035 sq m

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Mainly fencing to 1.8m

SITE CHARACTERISTICS

Detached dwelling and garden. Dwelling has a limited footprint and has the appearance of a garage and ancillary room above and a conservatory to the side. The dwelling is located close to the access road and site boundary

CHARACTER OF LOCALITY

Predominantly residential, characterised by detached dwellings of varying design in large plots with space around resulting in a spacious layout.

RELEVANT SITE HISTORY

M/103/99/

Erection of 2 No detached houses with integral garages

Refused

25-11-1999 *Appealed*

Appeal: Dismissed

18 02 2000

M/42/17/HH

M/104/00/	Demolition of existing bungalow. Erection of new house and separate garage	ApproveConditionally 10-01-2001
M/17/01/	Erection of 1 new bungalow	Refused 01-05-2001 <i>Appealed</i> Appeal: Dismissed 20 09 2001
M/37/01/	Erection of 1 new bungalow.	Refused 20-06-2001 <i>Appealed</i> Appeal: Dismissed 30 01 2002
M/68/03/	Construction of a new detached 3 bedroom residential bungalow. Proposed scheme to include construction of a new seperate double garage with driveway/turning area to front.	Refused 04-07-2003 <i>Appealed</i> Appeal: Dismissed 22 04 2004
M/60/06/	Proposed bungalow	Refused 24-08-2006 <i>Appealed</i> Appeal: Dismissed 20 06 2007
M/76/09/CLE	Application for Certificate of Lawfulness for 2 storey single dwelling	Approve 06-11-2009
M/6/10/	Proposed side extension conservatory and roof alterations.	ApproveConditionally 31-03-2010
M/107/16/PL	1 No. 4 bedroom dwelling	Refused 14-12-2016

REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection - Overall mass, height and scale is out of keeping with surrounding properties

Overdevelopment of the site.

Proposed development will impinge on the privacy of adjoining properties.

The proposed development is overbearing

The proposed development would adversely affect the Area of Special Character

12 letters of objection including Middleton on Sea Association - The proposed property would overlook the rear of our garden and significantly compromise privacy.

The proposed development appears too big for the footprint of the plot and does not sit comfortably with other plots on the estate nor comply with the village design statement.

A former application for development on a much smaller scale was rejected.

The rear of the proposed property would directly overlook our rear garden and the rear of our

report

house, therefore reducing our privacy significantly.

The size of the proposed house is too large for the plot of which it would sit

The house is too close to the boundary on all sides - in direct contravention of the village design mandate that prefers a generous distance to be left between properties adding to the unique character and sense of spaciousness.

The existing plot was once part of a larger plot containing a single dwelling, two properties are now on the plot, adding a third dwelling or larger dwellings, leads to overdevelopment and all the associated problems, of more traffic, parking issues, neighbouring properties being negatively affected etc.

- the proposed design is contrary to the Middleton on Sea Village Design Statement, specifically the reference to retaining the pattern of low density properties - this plan would see a concentration of large properties within a small area - The Village Design statement also seeks to ensure that the orientation maintains the privacy enjoyed by neighbouring properties - given the scale and size of this proposal, not only the building itself, but the surrounding verandas would see the property come right up to the edge of our boundary and therefore in very close proximity to us. This would affect our privacy

- Whilst there might be assurances now regarding the preservation of trees, we have already witnessed a large cleaning of the area and the remaining trees surely will affect light to this property, making it an issue for potential future purchasers - we simply do not comprehend how this design can extend to the southern boundary, whilst offering the property the light the design requires without significant disruption to the remaining trees

- This site has been subject to numerous applications by different applicants which have been refused. This proposal is for a dwelling which is higher and larger than those previously refused.

The proposal is described as an 'extension', but the scale of the resultant building is much greater, 3 times the size. This extension does not sympathetically relate to the existing building in terms of design, form and scale. It overpowers and overwhelms the existing building being 3 or 4 times its volume. It swamps and subsumes the existing building rather than being visually integrated.

Noise, traffic and disturbance will increase.

This site has been the subject of numerous applications which have utilised weaknesses in the planning system resulting in the existing dwelling on the site.

In 2006 a smaller less obtrusive 3 bedroom bungalow was refused on grounds of housing density

Proposal demonstrates an indifference to local people.

Previous reasons for refusal have not been addressed.

It is too close to side boundary, poorly sited and overbearing on neighbours

Comments on Representations received:

The extension is not considered to be subservient to the existing dwelling, but in terms of the resultant development it is considered to be in keeping with the character and appearance of the Area of Special Character. The property would be no closer to the boundary than the existing dwelling and would not significantly increase the height of the dwelling adjacent to the boundary. The current dwelling is out of character. It occupies a plot of similar proportions to others and has a poorly designed and relatively small dwelling located adjacent to the boundary. The larger proportions of the property would be more in keeping with the surrounding development and the proximity to the boundary is unchanged. The proposal provides an adequate gap to boundaries and with obscure glazing controlled at first floor on the rear elevation no materially adverse overlooking would result. The traffic and noise levels would not increase to such an extent that material harm would result from the larger property and 2 additional bedrooms.

Since 2006 the National Planning Policy Framework has become part of the planning policy framework. This was not a material consideration at the time of the previous appeals and has

provided a presumption in favour of sustainable development. The proposal is considered to accord with the criteria as set out below.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Area of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
 DEV19
 AREA1

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

The Form of New Development
Extensions to existing residential buildings
Areas of Special Character
D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D SP1 Design
HER DM4 Areas of Special Character
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD7	Middleton on Sea Village Design Statement
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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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 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 conflict with relevant Development Plan policies in that it does not accord with Policy DEV19(ii) in that it is not considered to be visually subservient to the host dwelling.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

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 and appearance of the Area of Special Character.

CONCLUSIONS

BACKGROUND

This site has been subject to numerous applications which have been refused and dismissed at appeal. The most recent refusal M/107/16/PL was for a detached dwelling with a ridge height of 8.5m, a length of 20.8m and a depth of 11m. It was refused for the following reasons:

The site lies within a defined Area of Special Character. Given the design, footprint, height and site coverage of the replacement dwelling, the proposal represents an overdevelopment and intensification of use of the site that would result in a development that is out of character with the area in general and would therefore unacceptably detract from the character and appearance of this attractive part of the estate. The proposal is therefore contrary to Policies GEN2, GEN7 and AREA1 of the Arun District Local Plan, the Middleton-on-Sea Village Design Statement and the NPPF.

and

Given the height and length of the dwelling and its proximity to the north eastern rear/side boundary the proposal would result in an unneighbourly form of development which would be detrimental to the residential amenities of the neighbouring residential area, contrary to policy GEN7 of the Arun District Local Plan and the NPPF.

This proposal is now for an extension to the existing dwelling to create a considerably larger dwelling. This property would be similarly located to the existing dwelling but the dimensions of the resultant dwelling have been reduced. The ridge height is now 6.8m, length is 16.4m and the depth is no greater than the existing dwelling. These revised dimensions represent a reduction in ridge height of 1.7m, a reduction in length of 4.4m and a reduction in depth of 2.1m. The dwelling has also been designed with 2 wings at either end joined by a lower ridge which provides an articulated appearance and reduces the visual prominence.

This proposal is different to previous appeals on the site in that the dwelling is being retained and extended and now there is an opportunity to retain a more meaningful garden area and space to two of the site boundaries. Although the extended dwelling is in the same position as the existing in relation to the side and front boundary more of the site area is being retained as garden and the car parking area is more tightly defined. Decking and balconies have been removed from the application. The building replicates the proximity to the site boundaries of the existing dwelling and does not appear any more cramped than is currently the case in relation to the closest boundaries. The site is capable of accommodating a larger dwelling without resulting in an overdevelopment. The dwelling size and plot size are in keeping with the character of the area generally. Since the original appeals the principle of a dwelling on the site has been established following the granting of the lawful development certificate.

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies DEV19, GEN7 and AREA1 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

Paragraph 14 of the NPPF states that the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision taking. Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case, there is no adopted Neighbourhood Plan the development plan is not silent and the principle of development is considered to be in accordance with the policies referred to above.

VISUAL AMENITY

The application seeks to increase the height of the dwelling and footprint with first and second floor extensions. 2 complete elevations and one part elevation of the existing dwelling would be retained, but the existing dwelling would be significantly altered in appearance and extended. It is not considered that the alterations would be considered subservient the footprint of the modest existing dwelling would be trebled and the design would be dramatically altered.

The prominence of the dwelling would be increased significantly, but in terms of its relationship to the overall plot size this would be considered acceptable and the dwelling would not be overly dominant in the street scene. The area is characterised by mainly large 2 storey detached dwelling houses of varying design and the proposal would accord with these criteria. It would not be centrally sited within the plot, but the existing dwelling is not. It would be close to the site boundary to the north, but since the side wall of the existing dwelling is being retained it is no closer than the existing side wall of the existing dwelling which is being replaced and is therefore deemed acceptable. Further the existing dwelling is of poor design and does not complement the appearance of the Area of Special Character. It is visually discordant and is appreciably smaller than other properties on the estate. The proposal would replace this visually substandard building and replace it with a dwelling that positively contributes to the appearance of the area and more closely reflects the proportions of neighbouring dwellings.

The property is set back from the main Sea Way frontage being located at the end of a cul-de-

sac. It would be readily visible in the street scene given its forward position. The site is enclosed by 2m high fencing/trellis which screens the ground floor. The first floor has a central roof section which is set down in height below either gable end which reduces the bulk of the dwelling. Previous visually obtrusive balconies have now been deleted from the scheme.

The proposal maintains the existing access and there is adequate space to the front for the parking of vehicles which is sited behind fencing. Further the decking within the previous application has been deleted and there is more space to the site boundaries to the rear and east side.

The dwelling does conform to the Village Design Statement as it does not represent an overdevelopment of the site and despite its proximity to one site boundary it does maintain the spaciousness of surrounding properties. The dwellings is not considered to dominate its plot. Given the height, footprint, design and position of the dwelling it is considered that the spaciousness and cohesiveness of the existing estate and area of special character area would be retained. The proposal incorporates many of the design criteria within the design statement: the materials would match other buildings in the locality, it would have painted rendered elevations, a plain clay tile roof and a low eaves and steep pitch, the dormers do not dominate the roof and chimneys are included.

An Appeal Inspector has previously commented that the substantial area of hard surfacing in the gravelled drive and accesses was criticised as being dominant and out-of-character with the normal situation on the estate. The area has been defined on the submitted layout plan and does not excessively erode the garden area serving the dwelling. The site coverage would not be consistent with neighbouring dwellings. Further the emerging local plan indicates under policy DDM3 that rear garden lengths of 10m would be expected in this type of development and this proposal would now accord with this requirement.

Policy Area 1 Areas of Special Character of the Arun District Local Plan states that the development should make a positive contribution to the special character of the area. In this instance it is considered to have a positive impact on the Area of Special Character given the visual improvement from the existing the overall impact is acceptable and would have a neutral impact on the Area of Special Character and the surrounding residential area.

RESIDENTIAL AMENITY

The position of the extension is not considered to be un-neighbourly. The dwelling is no closer to the boundary with 14 Sea Way and it would be no higher or deeper than the existing property and the new pitched roof, although 1.2m higher, would pitch away from the boundary. It is therefore considered that no materially adverse overbearing effects would result to this property. Further given the 10m and 7.5m gap to the rear boundary and the 10-12m gap to the eastern boundary the property would not be considered to be overbearing on the other properties neighbouring the garden area. Whilst the rear elevation does not indicate obscure glazed first floor windows this is conditioned to be obscure glazed and retained in perpetuity to prevent any materially adverse overlooking. The existing first floor window in the west elevation is being removed and replaced with a smaller bathroom window which is conditioned to be obscure glazed. Less overlooking would therefore result to this property. The un-neighbourly balconies previously proposed have been removed.

CONCLUSION

It is considered that the dwelling that has been proposed has satisfactorily addressed the previous reasons for refusal and the previous appeal Inspector's concerns.

Whilst the proposed extension is such that it would be contrary to Policy DEV19(ii) in that it would not be subservient to the host dwelling, however, it is considered that the development would be in keeping with the character and appearance of the locality. It would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended for approval, subject to conditions.

HUMAN RIGHTS ACT

FOR 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 Existing Site Plan, Location Plan 16012-101 revA, Proposed Site Plan, Location Plan and Elevations 16012-102 revA and Elevations/Sections 16012.

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The windows at first floor in the rear north east elevation of the extension serving bedroom 1, the staircase and bathroom and in the west elevation at first floor shall at all times be glazed with obscured glass and fixed to be permanently non-opening. below 1.7m above 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the north or west wall of the extension at first floor level without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 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.