

REPORT UPDATE

Application No: M/47/21/HH

Reason for the Update / Changes

Reason for Update/Changes:

Comments from Legal Services

Officers Comment:

Addition of policy W DM1 and amendments to wording within report relating to this.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

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

REF NO: M/47/21/HH

LOCATION: 22 Tudor Close
Middleton-On-Sea
PO22 6DN

PROPOSAL: Removal of existing roof structure, new first floor accommodation and pitched roof above and replacement rear two storey extension and new front porch extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two storey rear extension approximately 8.6m wide by 3m in depth and extensive alterations to roof structure including new dormer window and roof lights.
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RELEVANT SITE HISTORY

M/105/20/HH	Removal of existing roof structure, new first floor accommodation and pitched roof above and replacement rear single storey extension.	Refused 25-02-21
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REPRESENTATIONS

Middleton-on-Sea Parish Council - No objection

3 letters of support:-

- Various large extension in the area.
- Considers the single storey building an oddity/unremarkable

- Required for a growing family.
- Good size plots can take larger alterations.
- Dilapidated building bought back into use.
- Lots of other large alterations in the area.
- Other examples of overlooking windows, given the large distances these don't actually cause a loss of privacy.

3 letters of objection:-

- Rear extension visually dominant.
- Out of character design.
- Excessive number of rear windows.
- Excessive size of rear windows.
- Overlooking into rear gardens and into bedrooms.
- Disproportionate mass of rear extension.
- Height will be overbearing.
- Light pollution.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers - Part of Lidsey Treatment Catchment and surface water drainage design should be carefully considered.

POLICY CONTEXT

Designation applicable to site:

Lidsey Catchment

Within built up area

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
WDM1	W DM1 Water supply and quality

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD7	Middleton on Sea Village Design Statement
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CONCLUSIONS

PRINCIPLE

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.

W DM1 for applications within the Lidsey Treatment Catchment Area, states that major development must take account of surface and foul water disposal by undertaking a Drainage Impact Assessment.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale, massing and materials, protect amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, a rear extension should not negatively impact adjoining properties in terms of privacy and overshadowing and preserve rear amenity space to at least 10.5m in depth.

The site is outside of the Middleton Area of Special Character and therefore the village design statement does not apply in this instance.

DESIGN AND VISUAL AMENITY

The proposal seeks to erect a two-storey rear extension measuring 8.6m wide by 3m in depth along with a loft conversion including substantial roof alterations. Further to a previous refusal (which principally objected to the out of character alterations to the frontage) and discussions with the authority, the applicant produced a more sympathetic design solution.

Although it is proposed to construct a new roof structure which will be over 1.5m higher than the existing ridge height, the frontage has been designed to retain a chalet style feel and includes lowered eaves, a traditional pitched roof dormer and rooflights. As the bulk of the roof is set back from the existing gable to the front of the property, the alterations appear subservient to the front of the dwelling and of a similar character to properties surrounding it.

Space around the building is good and has been maintained and is comparable to that in the area.

To the rear alterations are more significant. On the southern elevation a two-storey extension is proposed. Its scale and visual dominance compared with the existing dwelling is contrary to D DM4(b). However, attempts have been made to soften the dominance of the roof with the addition of catlides to east and west elevations. When considering its scale and massing against the footprint increase the extension footprint is quite minimal and does not protrude further to the south than building lines extending from the rear elevations of either adjoining neighbours. Its height, although slightly higher is comparable to neighbouring properties within Tudor Close. The extension meets the 45-degree rule. A garden depth of 14.6m is retained in line with guidance. The Arun Design Guide states rear extensions provide applicants an opportunity for more creative and architectural freedom as they are visually less obtrusive than anything seen from the public realm. Although the proposal is visually dominant, it sits in a good sized plot and is acceptable as it meets with all other the criteria above.

In accordance with D DM4(a) the proposal will be constructed with materials and to a design which integrates well with the dwelling. It is proposed to clad the property with weatherboard and painted render; these styles are present on site or seen locally and as such are appropriate.

Having regard to the design and visual amenity, the proposal is not deemed to adversely impact the existing house in accordance with D DM1 and, on balance even though the proposal does not accord with D DM4(b) it does accord with other parts of the policy D DM4 (a)(c)(d) and (e) of the Arun Local Plan and Part M of the Arun Design Guide.

OVERBEARING, OVERSHADOWING and OVERLOOKING

The proposal has received comments from neighbouring properties mainly referring to the proposal being overbearing and the loss of privacy to adjoining properties. The extension is thought to make effective use of the land as it only requires a small footprint increase for a large gain of habitable space.

The footprint increase does not encroach on the host dwellings nearest neighbours' maintaining a distance of 3.3m to the west boundary and providing a 4.6m gap to the east boundary. To the rear the extension allows a distance of 14.6m to the south boundary with a gap between buildings of approximately 40m, significantly above guidance recommendations. Therefore the extension is not overbearing on neighbours.

Being located on the south elevation and because of the relatively short depth of the proposal, the extension is expected to cause a minimal increase of overshadowing to neighbours to the east and is an acceptable form of development.

The proposal has allowed for new first floor fenestration to south and north elevations, along with a new ground floor window to the east elevation. The window to the east elevation would be allowable under permitted development rights. The fenestration to the north elevation would only achieve views over the public realm and are acceptable. The objections to the rear fenestration in terms of loss of privacy to neighbours are noted. There are large separation distances between rear facing elevations of 22 and the properties fronting Middleton Road. A similar perspective of facing windows exists between the backs of 21 Tudor Close and properties fronting Middleton Road. The new windows will lead to a perceived, rather than an actual loss of privacy, and are considered acceptable. A condition relating to obscure glazing to any of these windows is considered unnecessary.

By virtue of lack of demonstrable harm due to overbearing, overshadowing and overlooking that the extensions accords with policy D DM4 (c) of the Arun Local Plan and Part M of the Arun Design Guide.

The Council Engineers have requested that drainage design is carefully considered, no Drainage Impact Assessment was submitted as part of this scheme in conflict with W DM1. However, due to the minimal footprint increase which could be constructed under the properties Permitted Development Rights, it is felt that imposing a condition for this unnecessary as any additional surface water run-off will be minimal.

SUMMARY

The development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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;

- Design and Access Statement
- Proposed GF Plan Rev F
- Proposed FF Plan Rev D
- Proposed Elevations Rev C
- Proposed Street Scene
- Location and Block Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan and Part M of the Arun Design Guide

- 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/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM4 of the Arun Local Plan,

Part M of the Arun Design Guide and the Middleton Design Guide.

- 4 **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.