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

REF NO: M/47/24/HH

LOCATION: 5 Sunnymead Close
Middleton-on-Sea
PO22 6LS

PROPOSAL: Single storey front and rear extensions and alterations to fenestration/openings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks permission for single storey extensions to the front and rear of the property, and alterations to fenestration/openings.

REPRESENTATIONS

Middleton Parish Council - No objection.

1 letter of objection received from nearby occupiers:
- Concerns regarding impacts to sun, light and view to the front and rear of the property.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE ENGINEER:
No objection, subject to pre-commencement condition.

POLICY CONTEXT

Built Up Area Boundary
Prone to groundwater flooding (>=75%)
Lidsey treatment catchment
CIL Charging Zone 4

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
ENVDM5	ENV DM5 Development and biodiversity
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

Middleton does not have a 'made' Neighbourhood Development Plan, a plan is under preparation but has not reached a formal consultation stage.

DESIGN AND VISUAL AMENITY
The proposal would comprise two single storey extensions with alterations to fenestrations. Only the front extension will be visible from the street scene.

The front extension will measure 3m deep and 4.7m wide, with a gable roof measuring 3.7m high. This extension will include a new front access door, window and roof light. It will alter the appearance of the principal elevation; however this will not be adverse or unduly harmful to the visual amenity of the property. It will integrate sympathetically with the host dwelling, and retain the character of the property and locality. Being to the front it will have some impact on the composition and appearance of the street scene, yet this will be minimal. Sunnymead Close comprises a number of examples of front projections within the street scene, and therefore the proposal will reflect the character and appearance of other properties within the immediate vicinity. As such, this aspect of the proposal is acceptable.

The rear extension will measure 4m deep and 7.09m wide, with a pitched roof measuring 3.4m high. It will incorporate three new windows, one to each elevation, and a new bifold door to the west. Being to the rear and of modest scale, the extension will integrate with the host dwelling, and will have minor impact on its visual appearance. It retains the character of the property and the locality, and is an acceptable addition to the rear.

The proposal appears subservient and is well integrated. It will use a mix of matching and new materials including composite cladding to the external elevations; proposed to be light grey (RAL 7038) in colour, and UPVC double glazed units. Whilst this will be different to the prevailing use of brick in the area, it will not be unduly out of character or harm to the visual amenity of the area. Cladding exists within the wider vicinity, and its use is acceptable. In terms of scale and massing, the development is appropriate and will not unduly obtrude or dominate the host form.

The Arun Design Guide states for front extensions the proposal should take care not to disrupt the existing composition of the street in terms of rhythm or building line and ensure continuation of existing building design in terms of details and materials. As for rear extensions, these should respond to the distinctive characteristics of the building and surrounding area, preserve external garden amenity space and exploit opportunities for innovative and contemporary design where appropriate. Whilst the front extension will minorly disrupt the building line, it will not unduly harm the rhythm of the street scene, and will respond to the architectural design of other principal elevations in the locality. As such, the works accord with the Arun Design Guide.

The proposal will have no adverse impact on visual amenity, or the character of the area, and is in accord with D DM1 and D DM4 of the ALP, and the Arun Design Guide.

RESIDENTIAL AMENITY

The proposal will see the construction of two single storey extensions; the front extension will have a gable roof and measure 3.7m high with eaves at 2.5m, and the rear extension will have a hipped roof and measure 3.4m high with eaves 2.5m high. These extensions will include rooflights, but these will have no impact on residential privacy or amenity.

Policy D DM1 of the ALP states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. ALP policy D DM4 requires extensions to have no adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The proposals will retain a minimum distance of 1.59m to the northern boundary, 10.3m to the east, 1.25m to the south and 27m to the west. These distances are acceptable, and in accord with D DM4 of the Arun Local Plan. The proposed extension to the front will result in minor shadowing of the front elevation of No.7 to the north, but will not have adverse harm to amenity. This aspect of the development is acceptable. The rear extension will have slightly more harm to amenity through overbearing and overshadowing, but will not be detrimental. The Arun Design Guide offers guidance in regard to ensuring overbearing and overshadowing is kept to a minimum through ensuring extensions do not conflict a 45 degree line when taken from the nearest neighbouring window. In this case, when taken from No.7, there is a minor confliction with the line. In this case, this does not warrant a reason for refusal, as the impact is minor and not detrimental to amenity. The depth of the extension is also comparable to that allowed under permitted development rights; meaning a similar scaled extension could be built without the requirement for planning permission. Therefore there is no justifiable reason as to why this extension is not acceptable, given it will not be unduly harmful to neighbouring amenity and could be constructed without development control powers. Therefore, in terms of overbearing and overshadowing, the proposal is acceptable.

The development will include changes to fenestrations and openings, however none of these will result in unacceptable overlooking or harm to residential privacy or amenity.

The Arun Design Guide states extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows. The proposal is in accordance with the Arun Design Guide.

The works will not be unduly harmful to residential privacy and amenity and accords with D DM1 and D DM4 of the ALP and the Arun Design Guide.

DRAINAGE

Policy W DM2 of the Arun Local Plan requires that all development must demonstrate that it will not result in unacceptable drainage implications.

Policy W DM3 states that proposals should incorporate a range of Sustainable Urban Drainage Systems into proposals at an early stage in the design process. Proposal will be supported should they consider Surface Water Drainage Systems, which reduces the creation and flow of surface water drainage and reduces flood risk whilst increasing biodiversity.

The site is in a location which is vulnerable to drainage and flooding issues. As such, care must be taken to ensure that the site adequately drains, and does not increase flood risk. The application was accompanied by a Flood Risk Assessment.

The ADC Drainage Engineer was consulted on this application, and has raised no objection subject to a

pre-commencement condition regarding surface water drainage design. The engineer concluded that there is adequate space on the site to accommodate an infiltration solution if able to be evidenced that infiltration is viable. Alternatively, if infiltration is not viable then the discharge location can be moved to the surface water sewer in Sunnymead Close; meaning viable alternatives are available, and the discharge of the condition will be achievable and will not prevent the implementation of the permission. This condition has been agreed with the applicant, and applied to this permission. Subject to an acceptable surface water drainage design being approved, the proposal will not increase flood risk and will provide sufficient drainage for the site.

The proposal accords with W DM2 and W DM3 of the Arun Local Plan.

BIODIVERSITY
Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

The proposal will see a minor loss of garden space to the rear of the garden; approximately 15m2 of lawn, shrubs trees and existing hard surface. At present, this offers low ecological value; with the construction of the extension having negligible impact on this value.

Biodiversity Net Gain for small sites came in on the 2 April 2024, requiring all sites provide 10% BNG on or off site, unless exempt. Whilst this requirement is now active, 10% is not required for this application as it is a householder application and is exempt. The application has been accompanied with a Biodiversity Enhancement Statement, detailing that post-construction, native shrubs, flowers and fruit trees will be planted to enhance the garden. This is acceptable. In addition to this, to ensure some net gain rather than replacement of that lost, the requirement for a bird box to be installed on the building to compensate for the loss of grass, shrubs, trees and related insect life has been applied via a condition.

SUMMARY
The development is in accordance 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 not CIL liable.

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:

- Location Plan
- Proposed Site Plan
- Proposed Plan and Elevations

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

3 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No part of the extended 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 W SP1, W DM1, W DM2 and W DM3 of the Arun 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.

4 A suitable universal bird box shall be fitted to the external wall of the building upon completion of the extension and shall be permanently maintained in good working condition as such thereafter. The bird box shall be positioned facing either North or East.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

6 INFORMATIVE: 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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10-year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100-year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at https://www.arun.gov.uk/drainage-planning-consultations on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

7 INFORMATIVE: Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.