

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

REF NO: M/54/14/HH

LOCATION: 90 Ancton Way
Elmer

PROPOSAL: Side chalet extension with front and rear dormer projections and single storey extension to rear(resubmission following M/11/14/).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal consists of three main elements:-

* A pitched roof two-storey extension to be made to the side (eastern) elevation.

* A single-storey flat roof extension to be made to the rear of the dwelling and the aforementioned side extension.

* A single-storey porch added to the western (side) elevation.

SITE AREA

Approximately 560 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedging to the front at approximately 1m in height. Close boarded fencing at approximately 1.8m in height along the rear western and northern boundaries and brick walling at approximately 2m in height along the rear eastern boundary.

SITE CHARACTERISTICS

A chalet bungalow with brown brick elevations and a pitched roof with plain roof tiles. The front door is located on the side east elevation of the property and it has a gable end frontage on to Ancton Way.

CHARACTER OF LOCALITY

Predominantly residential in character, there are a mixture of detached bungalows, chalet detached bungalows and two storey detached properties in the road.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Within Built-Up Area

Flood Zone 3

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN2](#)

[GEN7](#)

[GEN11](#)

[DEV19](#)

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

Built-up Area Boundary

The Form of New Development

Inland Flooding

Extensions to existing residential buildings

D DM1 Aspects of Form and Quality

D DM4 Extensions & Alterations to Existing

Buildings

D SP1 Design

SD SP2 Built -Up Area Boundary

W DM2 Flood Risk

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following

publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 proposal follows a previous application, M/11/14, which was refused due to the resultant excessive increase in size of the dwelling and the harmful impact it would have upon the amenities of occupants of the neighbouring property to the west, No. 88 Ancton Way. The current scheme has re-orientated the extension away from the western part of the site and reduced the size of the first floor element.

The proposed extension will be made to the side of the existing dwelling and will therefore increase the width of its frontage. The height of the dwelling will not be increased and sufficient distance will be retained between the extension and neighbouring properties. These attributes will combine to preserve the existing character of the building as a detached chalet dwelling. The overall character of the street scene will therefore not be substantially altered and there will be no unacceptable adverse impact upon the character and appearance of the surrounding area.

It is considered that the proposed extension will relate sympathetically towards the existing dwelling in terms of design and scale. The pitched roof design of the side extension will complement the pitched roof over the original dwelling. The eaves of the roof of the side extension will match the height of those of the existing roof and this will help produce a smooth visual transition between the original roof and that of the extension. The height both extensions will be set below that of the original dwelling and, as such, the extensions' will maintain visual subservience towards the original building.

The two-storey extension to the west of the dwelling is of a similar height to the adjacent property to the east, No. 92 Ancton Way, and it will therefore not appear overbearing towards it. The two-storey extension will be built in line with the existing dwelling and would not cause any undue increase in overshadowing. It is noted that there are windows at No. 92 Ancton Way which would face directly towards the proposed extension, however, these windows are obscure glazed and, as such, the presence of the extension would not be detrimental. The proposed north facing dormer window serves a bathroom and would be visible from the garden of No. 92 Ancton Way. It is therefore considered that this window should be obscure glazed in the interests of privacy.

The modest height of the proposed single-storey extensions will prevent them from appearing overbearing or from causing undue levels of overshadowing. Any views from ground floor windows and openings towards neighbouring residential property will be interrupted by existing site boundary treatment and, as such, will not be intrusive.

It is therefore recommended that the application is approved, 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 respect for 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be adopted.

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:-

1a;
2a;
3a;

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 development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment which accompanies this application which includes details of flood proofing measures.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

- 4 The dormer window on the northern roof slope of the building shall at all times be glazed with obscured glass and, other than where at least 1.7 metres above floor level, be fixed to be permanently non-opening.

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 The materials and finishes of the external pitched roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 6 INFORMATIVE: Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.
- 7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.