

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

REF NO: M/55/20/HH

LOCATION: 16 Arundel Way
Elmer
Middleton-On-Sea
PO22 6JH

PROPOSAL: Demolition of existing rear extension and garage and construction of new two storey side and rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to demolish the existing rear extension and garage and construct a two storey side and rear extension.

REPRESENTATIONS

Parish Council - No objection.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The Council's Drainage Engineers - No objection.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

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

PLANNING POLICY GUIDANCE:

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

CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, the National Planning Policy Framework.

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.

DESIGN AND VISUAL AMENITY

Due to the siting and scale of the proposed development, elements of the works will be visible within the public realm. However, this is not reason alone for the refusal of the application as it has to be established that there is harm to the character of the area. In this instance, it is not considered that the proposed development would give rise to any significantly harmful impact upon the character of the host dwelling or its locality. This is due to the mixed character of the area, and its varied spatial pattern allowing the proposal to have no uniform character by which to cause harm to.

The proposed development is not considered to appear subservient to the host dwelling due to the scale of the extensions proposed. Whilst this is noted, the proposed extensions are considered to be of a design sympathetic to the character of the host dwelling, and the locality. Therefore, whilst the proposal is considered to conflict with D DM4(b) of the Arun Local Plan, it accords with D DM1, D DM4(a) and (e) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. Whilst the proposal results in an increase in bulk and built form when adjacent to the site boundaries, this is not considered to give rise to any unacceptable harmful overbearing impact upon local occupiers, in that the vast majority of the two storey extension is adjacent to similarly scaled built form of neighbouring dwellings.

The element of the proposal of which projects past the rear of the neighbouring dwelling to the North is predominantly a 2.6m projecting single storey extension, at an eaves height of 2.7m when adjacent to the boundary. Resultant of these factors, the proposal is not considered to result in any significantly harmful impact upon the residential amenities of the neighbouring dwelling.

The proposed development introduces openings at first floor level. These windows are not considered to result in a loss of privacy to occupiers of nearby dwellings, in that the windows on the Eastern and Western elevations provide views towards the street scene, or within the private amenity area of the host dwelling. To the South, the proposed first floor window has the potential to provide unacceptable overlooking and is therefore proposed to be obscure glazed and fixed to be non opening - this will be conditioned to be retained in perpetuity.

The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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 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:

- Location and Block Plan - 0309/101 - Rev. A - Feb 2020
- Proposed Plans - 0309/102 - Rev. B - Feb 20
- Proposed Elevations - 0309/103 - Rev. C - Feb 20

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

- 3 The windows at first floor level in the Southern elevation of the building shall at all times be and remain glazed entirely with obscure glass, and fixed to be non-opening, below 1.7m from internal floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 of the Arun Local Plan.

- 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.