

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

REF NO: M/56/17/HH

LOCATION: 8 Beaconsfield Close
Middleton-On-Sea

PROPOSAL: Demolition of existing flat roof garage & construction of replacement single storey pitch roof side & rear extensions

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

The proposed extension measures approximately 4.2m wide, 7.8m deep and 4.5m high (max) reducing to 3.8m at the rear part with one rooflight. It is sited along the side of the property and will extend beyond the rear elevation of the house by approximately 1m. The proposed extension will be built up to the boundary with No.10.

The application was amended following discussions with officers and the size of the extension was reduced in length.

Materials would match the existing property.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The property is open to the front with a timber fence approximately 2m high along the side boundary and to the rear. There is also a single storey flat roof garage along the side boundary of the property with No.10.

SITE CHARACTERISTICS

The application site comprises a single storey dwelling constructed of brick, tile hang beneath a tile roof. The property is set on a modest sized plot and has a separate flat roof single storey garage.

CHARACTER OF LOCALITY

Residential comprising similar size and style

properties set on an estate road. The properties are orientated at differing positions within the area.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Middleton Parish Council object to the original proposal on the following grounds:

1. Overall mass, height and scale is out of keeping with surrounding properties.
2. Proposed development will impinge on the privacy of adjoining properties
3. The proposed development is overbearing
4. The proposed development is unneighbourly

However, the Parish Council have raised no objection to the amended scheme.

Four letters of objection have been received summarised as follows:

1. Out of character
2. Sense of enclosure
3. Overbearing
4. Loss of outlook
5. Loss of light
6. Parking issues and dangerous
7. Too large akin to a new bungalow
8. Illness stress related
9. Loss of view
10. No comparable extension nearby
11. Loss of house value
12. Impact on plants and borders

The amended scheme was submitted after receipt of these objections, the application was re-advertised and no representations were received in response to this re-consultation.

Comments on Representations received:

The comments are noted and the Parish Council and points 1-7 of the public objections were noted and the amended scheme has been submitted, the comments in relation to the amended scheme are addressed in the conclusions of this report

With regards to points 8-12 of the public objections it is not considered that these are material planning considerations and as such although noted it would not be reasonable to take these matters into account in reaching a decision on the application.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Built up area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD7 Middleton on Sea Village Design Statement

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 PC is not producing a neighbourhood plan

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 an acceptable effect on the visual amenities of the locality and the residential amenities of the adjoining properties.

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 dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed single storey side extension is sited approximately 5m behind the front elevation of the existing house and 12.5m from the front boundary of the site. The extension would be built up to the boundary with No.10 and replaces the existing single storey flat roof garage. The extension would have a height in line with the existing ridge line of the house when viewed from the front, this is reduced to the rear. The extension would be visible from the street. Materials are to match the existing house.

Comments have been received regarding the size of the extension however, this has now been reduced in depth and it is not considered that the proposed extension is unduly large in principle and as such an unduly dominant addition. The change from the single storey garage to provide a hipped roof extension would alter the appearance of the property. However, given the set back of the extension and the height of the extension as a whole it is not considered that the proposed development as a whole would have any adverse harm to the character and appearance of the host property or the wider area.

With regard to the amenity of adjoining occupiers the proposed extension would be built up to the boundary with the property to the north No.10. There are no side windows in the proposed extension and the rear window is at ground floor level therefore there would not be an unacceptable level of overlooking to No.10. Given the existing garage and the height of the proposed extension, albeit the pitched roof increases the overall height, the eaves height is comparable to the height of the existing garage. Therefore, it is not considered that the proposed, amended, extension would be harmful to the amenity of adjoining occupiers at No.10.

With regard to No.6 given the position of the proposed extension it is not considered that the proposed extension would be harmful to the amenity of the occupiers of this property. Likewise given the separation distance to the side elevation of No.12 it is not considered that the proposed extension would be harmful to the amenity of the occupiers of this property.

With regard to parking the proposed development provides sufficient hardstanding for parking of vehicles and therefore this is not considered to be unacceptable.

Therefore, in summary, it is not considered that the proposed development, as amended, would be harmful to the character and appearance of the wider area nor would there be adverse harm to the living conditions of neighbouring properties. As such the proposed development complies with policies GEN7 and Dev19 of the adopted Arun Local Plan.

It is therefore recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 1721 P 01, 1721 P 02, 1721 P 03, 1721 P 04A, 1721 P 05A & 1721 P 06A.

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 materials and finishes of the external walls and 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.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.