

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

REF NO: M/59/13/

LOCATION: 12 Sea Way
Middleton

PROPOSAL: Demolition of garage/ porch extension to side to provide garage and bedroom.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The extension measures approximately 14.1m in length, approximately 8.3m at its widest extent and approximately 5.6m in height. Elevations are to be rendered with timber cladding and it will have a pitched tiled roof, all to match existing.
SITE AREA	Approximately 900 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is hedging to front at over 1.5m in height. To sides and rear, close boarded fencing at approximately 1.8m in height.
SITE CHARACTERISTICS	A two storey detached property with white smooth rendering on the lower half and with timber cladding above. The roof is hipped with plain brown tiles. The garage to side is linked to the house by way of a connecting wall. There is a dormer in the front roofslope and a ground floor PVCu porch to front. The amenity land for the property is divided almost equally between front and rear.
CHARACTER OF LOCALITY	Wholly residential in character, the property is situated on a private estate with similar two storey detached properties set in spacious plots.

RELEVANT SITE HISTORY

M/20/13/	Amended plans for rear and side two storey extension with covered balcony	ApproveConditionally 10-06-2013
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REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

MDS

Middleton-on-Sea Village Design Statement by
Middleton PC

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application considers the demolition of an existing side garage and front porch to be replaced with a two storey side extension. The principle of development has therefore already been established in this location, at least in terms of footprint rather than height and scale. The extension follows the existing eaves height and roof slope pitch of the host property and with the use of matching materials achieves good visual integration. It is also visually subservient in having a ridge height set well below that of existing.

The property is situated within a wholly residential estate and so the proposal is consistent with the character and appearance of the area. By virtue of the property being set back at a considerable distance from the road, the extension will not be unduly prominent within the street scene. Consequently, the extension by way of its siting, scale and use of materials is considered to be acceptable in design terms and so complies with Local Plan policies GEN7(ii) and DEV19(ii), (v).

RESIDENTIAL AMENITY

The extension is situated in relatively close proximity to the eastern boundary of the site. However, given the large plot sizes and good spatial relationships between properties in this location, it is considered that the extension can be accommodated without causing any harmful residential effects including overbearing or overshadowing. The boundary treatment of close boarded fencing at approximately 1.8m along the eastern boundary together with an absence of any windows in the flank wall of the eastern elevation will ensure that overlooking will be prevented. To ensure that this situation remains, a condition will be placed on this permission to restrict any windows or other openings from being formed in this elevation without an application first being submitted. With such a condition in place, it is considered that the extension complies with Local Plan policies GEN7(iv) and DEV19(iii).

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 family and private 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, a neutral impact has 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.

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: block plan, drawing number 001 Rev A (existing elevations) dated December 2012, 002A (proposed elevations) dated July 2013 and roof plans.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with 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 to 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed above ground floor in the eastern wall and roofslope of the extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 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.