

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

REF NO: M/62/17/HH

LOCATION: 2 Elmer Court
Middleton on Sea

PROPOSAL: Replace two storey rear extension & erection of rear balcony & external staircase.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the replacement of the existing two storey rear extension and addition of a balcony to the rear.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The rear and side boundaries of the site consist of mature planting to approximately 3m in height and block wall of approximately 2m in height.

SITE CHARACTERISTICS

The site is occupied by a detached two storey dwelling with an existing two storey rear extension. The property features brick elevations with a tiled roof. The existing two storey rear extension is predominantly rendered with a flat roof.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Proposed development will impinge on the privacy of adjoining properties.

2 No. letters of objection:

- Proposed development will appear overbearing.
- Proposed balcony will give rise to unacceptable overlooking.
- Proposal will appear out of character with the locality.

- Proposal will result in a loss of privacy.

1 No. letter of no objection:

- Will only have a minimal impact on daylight and privacy.

Comments on Representations received:

Comments noted and will be considered in the conclusion to this report.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

Engineers (Drainage):
· Please apply standard condition ENGD2A

Southern Water:

- Please include standard informative.

Comments on Consultation responses:

Comments noted and condition/informative included.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
 GEN2
 GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

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

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 has taking place. 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. The examination is due to re-commence in Autumn 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 Parish are currently not in the process of preparing a recommendation report and as such there are considered to be no policies relevant to the determination of this application.

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

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 and DEV19 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed two storey rear extension will measure approximately 3m in depth with an eaves height of 5.4m and maximum height of 6m. The proposal will include a balcony to the rear which will measure approximately 2.3m in depth and will measure 3.6m in width. The proposed balcony has been significantly reduced from that originally proposed with the width having been reduced by 3.7m. The previously proposed external staircase has also been removed from the proposed scheme.

The proposed two storey rear extension will replace an existing extension in this location. The existing extension features significant glazing at first floor level on the southern, eastern and western elevations and already gives rise to overlooking to the east and west. The proposed two storey extension will measure a similar width, depth and eaves height to the two storey extension already present at the site.

Therefore, the proposed extension by virtue of its design and location is considered to appear well integrated and subservient to the host dwelling in accordance with policy DEV19(i) and (ii) of the Arun District Local Plan. It is also considered that given the existing two storey extension present on site that the proposal will appear in keeping with the existing character of the host dwelling in accordance with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed two storey extension will feature first floor windows on the eastern and western elevation and as such will give rise to some overlooking of neighbouring properties. However, it must be considered that the existing two storey extension features significantly larger windows on these elevations than those now proposed. Therefore, the proposal will result in a reduction of overlooking.

The proposed two storey extension will measure a similar depth to that already present at the site and as such it is considered that the proposal will not generate any unacceptably adverse overbearing or overshadowing impacts.

The proposed balcony has been amended from that originally proposed and will be situated further from the boundaries of the site. The proposed balcony will be situated approximately 3m

from the eastern and western boundaries of the site. It is considered that the proposed balcony has the potential to give rise to unacceptably adverse overlooking of neighbours and as such a condition has been included with this recommendation report requiring details of 1.8m high obscured screening on the eastern and western edges of the balcony. The proposed screening by virtue of its distance from the boundary is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts.

Therefore, the proposal is deemed to accord with policy GEN7(iv) and DEV19(iii) of the Arun District 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 below 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

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 plan;

· Proposed elevations, floor plans, roof plan, section and block plan - 1645/2010E

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 The balcony hereby approved shall not be installed until full details of 1.8m high obscured screening to the eastern and western edges of the balcony have been submitted to and approved by the Local Planning Authority. The obscured screening hereby approved shall be installed within 1 month of completion of the works and shall be retained in perpetuity.

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

- 5 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.