

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

REF NO: M/67/15/HH

LOCATION: 46 Lane End Road
Ancton
Middleton-on-Sea

PROPOSAL: Loft extension to create dependant relative accommodation. Resubmission of M/33/15/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Addition of rear dormer to provide additional residential accommodation.
SITE AREA	Approximately 453 metres squared.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a 0.3 metre high brick wall with a 1 metre high wrought iron gate. The remaining boundaries of the site consist of 1.8 metre high close boarded fencing.
SITE CHARACTERISTICS	The site is occupied by a semi-detached bungalow constructed of brick with a brown tiled roof.
CHARACTER OF LOCALITY	The character of the surrounding area is residential and consists primarily of bungalows of a similar design and style.

RELEVANT SITE HISTORY

M/33/15/HH	Loft extension	Refused 10-06-2015
------------	----------------	-----------------------

Planning application M/33/15/HH was refused as the proposed works were considered

REPRESENTATIONS

Representations received:

Middleton Parish Council

Support - It was agreed to support the application contingent upon it being ancillary to the main house.

Comments on Representations received:

Comments noted - a condition will be included on the approval requiring the occupation of the

additional accommodation to remain incidental to the primary dwelling.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water:-

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

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk."

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Comments on Consultation responses:

Comments noted and informative included.

POLICY CONTEXT

Designation applicable to site:

Within built area boundary.

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)
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

MDS

Middleton-on-Sea Village Design Statement by Middleton PC

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Middleton-on-Sea are not in the process of preparing a Neighbourhood plan and as such there are no relevant policies for consideration in 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 and would not 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 OF DEVELOPMENT

The site is situated in the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

This application seeks permission for the addition of a rear dormer to enable the provision of residential accommodation through the conversion of the loft. The proposal would create an additional bedroom, lounge, study and bathroom at first floor level.

The proposed dormer would match in height the existing ridge height of the dwelling and extend 7.7 metres to the rear of the existing dwelling at first floor level and extend an additional 3.6 metres to the north at the first floor level. The roof alterations to the southern elevation of the property will result in an increase in height of this portion of the roof by 0.7 metres. The proposed alterations will measure 9.7 metres in width of the primary elevation and will be a prominent feature within the street scene. However, the proposal has been considerably reduced from the earlier submission under reference M/33/15/HH and is now considered to be more in keeping with the established character of the dwelling.

Due to the size, scale and location the majority of the proposal will be located to the rear of the existing dwelling and will not appear overly dominant within the street scene. Therefore, the proposal is considered to be subservient and well integrated with the host dwelling in accordance with policies GEN7 (ii) and DEV19 (i) & (ii).

RESIDENTIAL AMENITY

The proposed development will feature a Juliet balcony and windows on the rear elevation. This will give rise to some overlooking of the rear gardens of neighbouring properties. However, these will provide oblique views of the rear gardens of the neighbouring properties and as such it is considered that the proposal will not give rise to unacceptably adverse overlooking.

It must also be considered that the addition of windows on the rear elevation of a property are not required to be obscurely glazed under the Town and Country (General Permitted Development) Order 2015.

The proposed windows on the side elevation of the property have the potential to give rise to more direct overlooking of the rear elevation of the neighbouring properties. However, it is considered that a condition requiring these windows to be obscurely glazed and non-opening below 1.7 metres would prevent any conflict with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

The proposed dormer window by virtue of its design and location is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts upon neighbouring properties and therefore is deemed to be in accordance with policies GEN7 (iv) and DEV19 (iii) of the Arun

District Local Plan.

SUMMARY

Therefore, this application 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 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 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 and Location - 1503-PP-02; and Plans and Elevations - 1503-PP-01.

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 of the dormer window 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 accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 46 Lane End Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 5 All the windows at or above first floor level in the northern and southern elevation of the building shall:-

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 7 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.