

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

REF NO: M/67/25/HH

LOCATION: 1 Rose Avenue
Middleton-on-sea
PO22 7TF

PROPOSAL: Single storey side and rear extension, front porch extension and hip to gable loft conversion with front and rear dormers, following demolition of existing rear shed.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Middleton Parish Clerk - No objection.

One objection was received from a nearby occupier raising concerns the development would result in a loss of privacy and natural light. The position of the extension will be intrusive and affect enjoyment of nearby residents' homes and gardens. The development would look directly into upstairs windows of the property to the rear.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage Engineers - Objection.

- The application proposes infiltration at source, including permeable paving and infiltration to soakaway. This approach is supported in principle. However, insufficient evidence has been provided to demonstrate that infiltration is a viable solution.
- Ground conditions and infiltration potential in Middleton-on-Sea are highly variable. While infiltration may be feasible in some areas, others experience high groundwater levels or poor infiltration rates that render it unviable. This must be robustly demonstrated by the applicant.
- Even where infiltration is viable, space is constrained on this site. This is important as the proposed development limits where an infiltration feature can be located. Soakaways must be at least 5m from buildings and highways. The block plan indicates that the building will be approximately 3.5m from the boundary at the east and west sides, and 3.245m from the boundary at the north. This would not leave sufficient space for a soakaway.
- The extensions may disrupt existing soakaways, which have not been assessed for the purposes of this submission. If the existing drainage of the property is disrupted and there is no space for an alternative, then flood risk will be increased.
- The drainage statement also indicates that, should infiltration be unviable, a restricted discharge to an existing surface water outlet will be used. The only nearby piped network (aside from the public foul sewer) is a WSCC highway drain in Elmer Road, to the immediate north of the site. No evidence or permission has been provided to confirm whether discharge to the highway drainage system is permitted, or whether the drain has sufficient capacity. For this reason, we object to the proposal.

- Surface water must not be discharged into the foul sewer. The foul sewer is not a recognised disposal location in the Standard 1 of the Non-Statutory Technical Standards for SuDS. If infiltration is later found not to be viable, then the applicant has not submitted, and we are not aware of, a compliant alternative disposal destination for surface water. The submission of evidence to address these concerns may also affect the scale and layout of the development.

POLICY CONTEXT

Designation applicable to site:
Lidsey Wastewater Treatment Catchment
Lidsey Local Flood Risk Zone

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a semi-detached bungalow with an existing porch and an outbuilding to the rear. The property is located at the end of a terrace similar properties, and sits within a small plot, with a shallow rear garden of approx. 3.6m. The proposal is for substantial alterations to the property, including a side and rear extension and loft conversion, and a replacement front porch. The proposed side extension would project 3m from the north elevation and would have the same height as the existing dwelling, with a barn-hipped roof rather than a hipped roof. The extension would not be subservient to the existing dwelling, in partial conflict with Arun Local Plan (ALP) policy D DM4, but would be well integrated with the dwelling.

The rear extension would project 3m from the rear elevation, and would have a flat roof which would be 2.5m high. The extension would extend to within 0.6m of the rear boundary. The property has a shallow rear garden, which falls well short of the recommended depth for rear gardens in the Arun Design Guide (ADG). Further decreasing the rear garden would result in partial conflict with the ADG. However, the extension is modest in size, and does not extend across the rear of the dwelling. The extension also partially replaces the existing outbuilding, which would be removed, and it is also noted that a similar extension could be constructed as permitted development. The walls of the extension would be finished with materials to match the main dwelling in accordance with ALP policy D DM1.

The loft conversion will be facilitated by the side extension, with barn hipped roof, a rear dormer and two

front dormers. The proposed front dormers would be 1.8m wide, and feature pitched roofs. This is in accordance with the ADG which states that dormers should be minor incidents on the roof plane, and should incorporate pitched roofs in most cases. The proposed rear dormer is a wide and more box-shaped structure, with a flat roof. However, the dormer is located to the rear of the property, and it is likely that some form of rear dormer could be constructed on this roof slope under permitted development. The dormer would also be finished with render, to match the main dwelling.

The front porch would replace the existing front porch, and has a larger footprint, measuring 3m wide by 2m deep. There are various examples of porches and front projections on the street scene, most of which feature large amounts of glazing, and the proposed porch would not be out of keeping with the surrounding area, in accordance with ALP policy D DM1.

The proposals would not harm the character or visual amenity of the property or the wider area and are acceptable in accordance with ALP policies D DM1 and D DM4.

NEIGHBOURING RESIDENTIAL AMENITY

The property has an attached neighbour to the south, and a neighbouring property to the rear which is positioned perpendicularly to the site. The rear extension would partially replace an existing outbuilding and would be situated adjacent to the neighbouring property's rear conservatory. The extension would not extend beyond the conservatory, and would not negatively impact neighbouring properties by way of overbearing, overshadowing or overlooking.

The front dormers and porch would not result in overbearing or overshadowing and feature windows which face towards the street. These elements would not harm neighbouring residential amenity.

The property to the rear has a 1 bed residential unit at first floor level, which is served by rooflights facing towards the site. The rear dormer would project towards the property to the rear, which is positioned 6.25m from the dwelling. The rear dormer windows are shown on the plans as being obscurely glazed. This would effectively mitigate against any harmful overlooking impacts which may arise as a result of the dormer, and a condition has been attached to the permission to ensure that these windows remain obscurely glazed.

The proposals would not harm the residential amenity of neighbouring occupiers in accordance with ALP policies D DM1 and D DM4

DRAINAGE AND FLOOD RISK

The proposal is in the Lidsey Wastewater Treatment Catchment and part of the north of the site is in a Lidsey Local Flood Risk Zone. The management of surface water is a consideration in reducing flood risk in the locality. ADC's drainage engineers object to the application on the basis that it has not been demonstrated that infiltration is viable, or how soakaways would be accommodated on the site. Infiltration would be supported in principle. No evidence has been submitted to show that infiltration is viable on the site. Ground conditions and infiltration potential are variable in Middleton. If infiltration proves not to be viable, the application states that a restricted discharge to an existing surface water outlet will be used. The only nearby piped network (aside from the public foul sewer) is a WSCC highway drain in Elmer Road, to the immediate north of the site. No evidence or permission has been provided to confirm whether discharge to the highway drainage system is permitted, or whether the drain has sufficient capacity. This would be the only known alternative means of draining the site.

The development proposes additional floor area of approx. 38sqm. This additional area would mostly be to the side and rear of the site, with 5sqm of additional area being the extension to the porch, which is to the front. A rear extension of up to 4m in depth could be constructed under permitted development, and a side extension could be constructed with a width of up to half the width of the existing dwellinghouse.

Both the side and rear extension elements could be achieved without the need for express planning permission.

The addition of a porch is likely to be acceptable as permitted development, although that proposed is slightly larger than would be allowed. Nevertheless, the porch is not excessive in size, and the additional roof area is not significant. For this reason, the impact of the proposals on surface water drainage would be similar to that which could be achieved as permitted development.

Given an extension under permitted development would not be subject to planning regulation, but would likely be subject to Building Control, the regulation of the proposed surface water drainage can be dealt with under Building Regulations in this instance. The proposal is in accordance with ALP policies W DM1 and W DM3.

SUMMARY

The development is in accordance with the relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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:

- Site Location and Block Plan P06A
- Proposed Ground Floor Plan P02
- Proposed Elevations P05
- Proposed Loft Plan P03A
- Proposed Roof Plan P04A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4

- 3 All of the windows at or above first floor level in the rear (east) elevation of the building shall at all times be and remain glazed entirely with obscure glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and be non-openable below 1.7m above finished floor level. This arrangement shall be retained permanently thereafter.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with Arun Local Plan policies D DM1 and D DM4.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.