

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

REF NO: M/69/17/HH

LOCATION: 1 Hadley Close
Middleton on Sea

PROPOSAL: Demolition of existing double garage & erection of two storey & one storey side to rear extensions.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

The existing garage measures 6m long, 5.5m wide and 3m high (max). The proposed extension would create a two storey building over the existing garage with a single storey rear addition to the garage. The resultant two storey structure would measure approximately 5.3m wide, with a further 1.3m wide single storey link to the main house, 7.3m high and 6m deep. The single storey extension to the rear would be approximately 11.1m long, 2.7m high and 5.4m wide.

Materials will be brick and tile and could match existing house.

The proposed development is to serve as an annex for an elderly disabled couple and their night carer.

It is noted that the submitted plans are confusing as the proposed front elevation seems to be higher than ground level and at the rear the extension appears to be set down in ground. The plans seem to have been drawn as it would be viewed in reality, the scheme has been considered with the floor levels to be level with existing ground level.

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 front of the property is open plan with a vehicle access to the double garage. To the rear there is a timber fence approximately 2m high and mature plating.

SITE CHARACTERISTICS

Detached two storey property with single storey garage. The property is constructed of brick and cladding beneath a tile roof. The property is set on a reasonable sized plot

CHARACTER OF LOCALITY

Residential area with two storey dwellings set in a modern estate within a cul de sac. The properties vary in design but are generally of a comparable scale and size. The properties have open plan frontages and the cul de sac has mature trees and plantings and although of a relatively high density, typical of a modern housing estate, there is a spacious appearance and feel.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Middleton Parish Council responded that the Committee unanimously objected because

1)The development looks like the construction of two dwellings and may be turned into two dwellings at a later date.

No response to public consultation

Comments on Representations received:

Comments are noted and are addressed in the conclusions below.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Consultations responses received:

The Council's Drainage Engineer recommends conditions to any permission.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICIES

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

Built-up Area Boundary

Publication Version of the Local
Plan (October 2014):

GEN7
DEV19

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
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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.

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 PC does not have a made 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse 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 site falls within the defined built up area and an established residential area. As such is acceptable in principle subject to compliance with adopted policies relating to criteria such as residential amenity, highway safety and parking. It is also noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in

terms of, for example, layout.

Further Policy DEV19 indicates planning permission will only be granted for extensions to existing residential buildings provided that

- (i) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;
- (ii) the extension is visually subservient to the main building;
- (iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (iv) in streets characterised by relatively small gaps at first floor level between any buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;
- (v) the extension does not compromise the established spatial character and pattern.

Of particular note, the policy places an emphasis on extensions being visually integrated with the existing dwelling in terms of siting, design, form, scale and materials, and being visually subservient to the main building.

The proposed development comprises the demolition of the existing single storey garage and replacement with a two storey building with a large single storey rear addition. It is noted that the two storey element would be set back from the front elevation and would reflect the front elevation of the dwellinghouse in terms of its roof pitch and materials used. As such from this aspect the development does try to appear subservient to the main dwellinghouse when viewed from the street scene. However, it is considered that the creation of a two storey building with 3 bedrooms is excessive for an annexe and as such the annexe is more akin to a separate dwelling and be an overly intensive use of the site. It is accepted that the use can be controlled by a condition to resist the development being used as a separate residential unit.

Furthermore, the plans do not show the width of an appropriate walls therefore to provide the proposed accommodation it is probable that there will need to be a small increase in width and depth of the building. In addition, whilst national space standards address new housing it is considered appropriate to consider these requirements for an annex to ensure a satisfactory living environment can be achieved. National space standards require a single bedroom to have an area of 7.5 sq.m and a width of 2.15. One of the ground floor bedrooms has an internal area of 6.5 sq.m albeit with an ensuite attached. Likewise the internal layout does not appear to show door widths capable of accommodating wheelchair access. Whilst this can be addressed by internal revisions again this may lead for an increase in the size of the building.

With regard to the rear addition this extends almost the full depth of the garden along the boundary with the neighbouring property to the west. It is not considered that there are comparable lengths of extensions in the immediate area. Whilst the proposal retains a reasonable sized garden area it is considered that such a depth of extension on a such a plot would be out of character with the established pattern of development in the area.

Planning Policies and Central Government advice support the efficient and effective use of land. Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an

area.

Therefore, although set back from the front of the main house it is considered that, when considered as a whole, the proposed development due to its size would be an over development of the site leading to a cramped appearance which would be out of character with the wider area.

The proposed two storey element would be located predominantly at the side of the dwellinghouse and would not project significantly behind the rear elevation of the host or neighbouring property within a 45 degree line drawn from the closest habitable room window in the property to the west. The flat roofed single storey element to the rear of the two storey part would, however, be higher than the fence at 2.8 metres and this would exceed the permitted height of an outbuilding in the same position constructed under permitted development rights. As such the proposed development is considered to be unduly dominant upon the property immediately to the west with an overbearing impact on habitable room windows and the rear garden.

The neighbour to the east on the far side of the host property is considered to be a satisfactory distance from the proposed development and therefore it is not considered that a loss of privacy would occur as a result.

However, due to the impact upon the adjacent property to the west it is considered that the proposed development would have an adverse impact upon the amenity of its occupiers.

The proposal would retain an adequate area (12 metres by 6 metres) for up to four cars to park off the highway and therefore the policy would comply with policy GEN 12 of the Arun District Local Plan.

It is noted that the application relates to the personal needs of the applicant with regard to disabled occupants. Whilst there is sympathy to such a case and indeed personal circumstances can be a material consideration these need to be weighed against other material planning considerations. Generally it is accepted that personal circumstances/need would not be sufficient to approve a scheme which is considered to be as harmful as is the case in this application. Guidance in the NPPG relating to planning conditions states

"A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building, but might, for example, result from enforcement action which would otherwise cause individual hardship."

It is considered that a similar approach is applicable in consideration of an application.

Therefore, it is considered that the proposed development would have an unacceptable harmful effect on the character and appearance of the area and the amenity of the adjoining occupiers. As such it would not comply with adopted policies in the Arun Local Plan 2003. Accordingly, the application is recommended for refusal for the following reasons

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

REFUSE

- 1 It is considered that due to its size and footprint the proposed development would be unduly dominant upon and fail to be subordinate to the host property. The two storey building with a large rear extension would appear cramped on the site and is therefore, harmful to the character and appearance of the host property and the wider area. As such the proposal is contrary to policies GEN7 and DEV19 of the Arun Local Plan 2013 and the National Planning Policy Framework (NPPF).
- 2 Given the depth and height of the rear extension it is considered that the proposed development will be unduly dominant upon and create an unacceptable sense of enclosure to the occupiers of the property to the west. Therefore, the proposal would constitute an unneighbourly form of development contrary to policies GEN7 and DEV19 of the Arun Local Plan 2013 and the NPPF.
- 3 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-

application advice in respect of any future application for a revised development.