

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

REF NO: M/70/17/HH

LOCATION: 10 Norfolk Way
Elmer

PROPOSAL: Two storey side extension & loft conversion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks to enlarge the property by converting the loft space into a habitable area and creating a two storey side extension both to the east and west of the property.

SITE AREA

N/A.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Open plan to front elevation, 1.8m high fencing to rear.

SITE CHARACTERISTICS

The site is populated by a bungalow.

CHARACTER OF LOCALITY

The area is populated by a mix of housing types and styles.

RELEVANT SITE HISTORY

M/35/50	Garage	Permit'd Devel 13-12-1950
M/3/64	Addition	Permit'd Devel 07-02-1964

Noted.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Parish Council - No objection.

1 objection from nearby occupier states the following comments:

- Their property currently overlooks the site of the proposal.
- The proposal will create overlooking into their garden, kitchen and conservatory which result in loss of privacy.

Comments on Representations received:

Noted. In response to the objection from the nearby occupier it is deemed that due to the acceptable separation distance of over 25m there is no significant loss of privacy.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

Southern Water - Full comments available online. Southern Water states that a formal application will be needed to connection of the public sewerage system and therefore an informative stating as such has been applied.

Drainage Engineers - Full comments available online. The Engineers requested that condition ENGD2A be applied to the application.

Comments on Consultation responses:

Comments noted, the relevant conditions and informatives will be applied.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary

DEVELOPMENT PLAN POLICIES

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

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

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

D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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-on-Sea does not have a 'made' neighbourhood plan, but it does have a Village Design Statement which has been considered during 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 is situated within the built up area boundary where the principle of development is acceptable subject to accordance with the relevant development plan policies. In this case the key policies are considered to be GEN7 and DEV19 of the Arun District Council Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed extension by virtue of its location will be visible from the street scene, although it is considered that there will be no unacceptably adverse impact to the established spatial pattern or character of the locality.

Due to the mix of housing types in the area, the design and type of materials proposed are not deemed to prevent the proposal from being in keeping with the character. The proposed extension is therefore deemed to be in accordance with policy GEN7(ii) and DEV19 of the Arun District Council Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The first floor window of the West of the property is a cause of potential overlooking and therefore will be conditioned to be obscure glazed and fixed shut below 1.7m. The proposal include three windows on the Southern elevation of the property, however the separation distance to the nearest property is over 20 metres which is deemed to be sufficient to prevent any unacceptable loss of privacy.

The floor area of the proposal brings the current Western projection to meet inline with the main bulk of the house. This means that the proposal fails the 45 degree test in relation to the window on the South East of the neighbour to the West of the site. The failure is within 2 degrees of the test, at approximately 43 degrees. Given the slight breach, the impact is deemed to be acceptable, and as the property benefits from a Southern aspect there will be an acceptable level of lighting.

Therefore the proposal is deemed to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Council 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 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 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 plans:
 - Site & Location Plan - PA-247-01
 - Proposed Site & Location Plan - PA-247-05
 - Proposed Plans - PA-247-06
 - Proposed Elevations - PA-247-07
 - Proposed Sections - PA-247-08

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the Western elevation of the building 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, DEV19 of the Arun District Local Plan.

- 4 The window at first floor level in the Western elevation of the building (as seen on plan - Proposed Plan - PA-247-06) shall at all times be and remain obscurely glazed up to 1.7m with obscure glass and be fixed shut.

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.

- 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.