

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

REF NO: M/71/15/HH

LOCATION: 42 Sea Way
Middleton on Sea

PROPOSAL: Single storey extension (amendments to M/88/13).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to amendments to a single storey side extension which would be located adjacent to the east boundary and would extend beyond the front and rear elevations of the existing dwelling. The extensions forming part of this proposal comprise an addition of 0.5m to the length of the garage at the front, the width of the extension is to be increased by 0.3m and 0.7m in length adjacent to the eastern boundary, the link to the pool from the house is increased in width by 0.5m, window and door openings have been revised.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Frontage 2 metre high brick wall. Side boundary timber fencing to 1.8 metres

SITE CHARACTERISTICS

Detached 2 storey dwelling. White painted rendered elevations. Plain tile roof. Set well back from road with verge in front. Gated entrance. Flat roofed garage to side attached to dwelling. Single storey extension to front.

CHARACTER OF LOCALITY

Predominantly residential characterised by low density development comprising large detached mainly 2 storey dwellings of varying design.

RELEVANT SITE HISTORY

M/107/10/

First floor bathroom window to West elevation ApproveConditionally

08-02-2011

M/88/13/

Single storey extension

ApproveConditionally

17-12-2013

REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection - Overdevelopment of site, will have an adverse effect on the street scene, issue with extension to garage

Comments on Representations received:

The comments are not agreed. The amount of additional development is minimal to that previously approved and the Parish Council had no objection at that time.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Area of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
DEV19
AREA1

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

The Form of New Development
Extensions to existing residential buildings
Areas of Special Character

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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 does not currently have an adopted Neighbourhood Plan.

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 follows an earlier permission for a single storey extension of slightly smaller dimensions. The majority of the works indicated on the plans have therefore been approved and do not form part of this proposal. The proposal relates to a slight increase (0.5m) in the length of the extension to the front, an increase in width of 0.3m to the east and 0.5m to the west in the link area and changes to openings.

VISUAL AMENITY

The extension would be well screened from the front of the site and public view by the front boundary wall which is 2 metres in height, but the roof would be visible and the extension would be glimpsed through the front gates. However the visual impact of the extension on the street scene would be limited by its set back position (13.5 metres from the site frontage) and low height pitched roof. It would be constructed in materials to match the existing dwelling and would not significantly erode the space around the dwelling given the large plot size and the fact that there is an existing garage to the side. The front extension would only project 2.5 metres beyond the front elevation of the extended property and 5.5 metres in front of 40 Sea Way. The extension would be appropriate in terms of height, scale and design and would be subservient and readily assimilated into the existing dwelling. The proposal therefore accords with policy DEV19 of Arun District Local Plan.

IMPACT ON AREA OF SPECIAL CHARACTER

The site lies within an Area of Special Character and is therefore subject to consideration against policy AREA1 of the Local Plan. The proposal would not remove any buildings or features which make a positive contribution to the special character of the area. The existing garage which is to be removed is flat roofed and of no particular merit. Its removal and replacement with a pitched roof extension would be more in keeping with the appearance and character of the area.

The extension would have a staggered side elevation along the eastern side boundary and would be set away from it between 0.35 metres and 1.1 metres. On the frontage the gap would be 0.8 metres.

RESIDENTIAL AMENITY

The extension would be located adjacent to the single storey extensions at 40 Sea Way which are a length of almost 30 metres. The proposed extension would project only 2.5m beyond the rear of the neighbouring extension. Given the height of the proposed extension (2.5 metres) and that the roof would pitch away from the boundary it is not considered to have an adverse overbearing effect on the residential amenities of the adjoining neighbouring property in compliance with policy DEV19 of Arun District Local Plan.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions.

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 (the 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 neutral 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).

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 sheet 1a, sheet 2, sheet 3(substitute), sheet 4 and location plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with 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 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England)(Amendment No. 2) Order 2012. 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.