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

REF NO: **M/79/12/**

LOCATION: 37 Lucking Lane
Middleton on Sea

PROPOSAL: First floor extension and loft conversion with alterations to roof to form gable end and new vehicular access

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approx. 294 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGROPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open the front of the site. Timber fencing enclosing the rear garden, to a height of 1.8 metres.
SITE CHARACTERISTICS	Semi detached two storey property, painted brick elevations and hipped red tiled roof.
CHARACTER OF LOCALITY	Residential, mix of two storey semi detached and terraced dwelling of a similar design and scale.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

SOUTHERN WATER:
Should this application recieve approval - informative is requested.

Comments on Consultation responses:

Noted and attached.

POLICY CONTEXT

Designation applicable to site:
Built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

POLICY COMMENTARY

PLANNING
The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 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

The application seeks permission for various additions to the existing dwelling, to include a loft conversion and extensions, a two storey rear extension, entrance porch and a vehicle access onto the site.

The proposed vehicular cross over from the highway can be carried out under permitted development as the highway is classified as a D road. The works to the public highway however will require a licence from WSCC Highways, an informative is attached to this decision advising of the requirements for this.

The proposed additions to the roof would result in a hip to gable roof extension and 2No. pitched roofed dormers to the front roof slope. The proposed gable roof design reflects that of the neighbouring properties and would sit comfortably within the street scene, this together with modest pitched roof dormers will ensure that the roof additions are an acceptable addition to the street scene.

The proposed porch addition would extend that existing and fully enclose the front elevation. The design reflects the existing structure and the addition is of an acceptable scale, therefore ensuring that the character of the property and street scene is retained.

The two storey rear addition would extend over the footprint of the existing lean-to to the rear of the property with the ridge set well below the existing roof. This means that whilst not readily visible from the public domain, it relates sympathetically to the host dwelling.

The impact upon neighbouring amenity is also considered to be acceptable, the new windows at second floor level to the front and rear elevations would overlook the front and rear gardens of the site and the side window within the new gable extend is to be restricted by condition to be obscure glazed. This together with the new first floor window also facing the rear garden, the proposed additions are not considered to give rise to any unacceptable levels of overlooking to neighbouring sites.

The two storey rear extension is to be set off the northern shared boundary by approximately 1.5 metres and a further 4.5 metres from the south. Given the distance to the southern boundary and the scale of the addition together with the property to the north being set further back within the site; there will be no undue loss of neighbouring amenity by way of overbearing affect or loss of light.

In the absence of harm to visual or residential amenity, it is recommended that the application be approved subject to the conditions set out below.

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 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:

Sheet 1 of 3; Sheet 2 of 3; Sheet 3 of 3.

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 roofs of the extensions hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 The window within the northern gable-end of the roof extension shall at all times be glazed with obscured glass and fixed to be permanently non-opening below an internal height of 1.7 metres at all times.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

6 INFORMATIVE: The vehicle access shall not be used until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the West Sussex County Council. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243 836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243 777921.

7 INFORMATIVE: A formal application for the connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

8 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.