REPORT UPDATE

Application No: M/7/10/

Reason for the Update / Changes

Reason for Update/Changes:
A letter of Objection has been received, raising the following main points:
- The location and site plan incorrectly identifies the piece of land to the rear of 19 The Layne as belonging to 17 The Layne.
- The height of the extension will inhibit light into the only southerly facing window on no.19, and the alleyway access. It will also affect satellite signal.
- The proposed extension will encroach on the privacy of the occupants of no.19, providing direct vision into the rear garden.
- The outbuilding forms part of the boundary of no.19 and its removal will result in severe security issues, posing an unacceptable physical and phsycological risk.
- There would be a significant security risk whilst the works are carried out. The timing of the proposed building works is during the summer; what measures will be taken to ensure that dust and noise pollution are kept to a minimum?
- Will the applicant ensure all the building works are kept within the Council's recommended reasonable hours?
- Has the applicant contacted Elmer Sands Ltd advising them of proposed building development and sought advice regarding potential disruption of the roadway from the company secretary?

Officers Comment:
Noted. Land Ownership, private estate companies and loss of satellite signals are not material planning considerations. Issues regarding the noise, dust and air pollution and disturbance resulting from any construction works are a matter for Environmental Health, as they are subject to separate legislation and between the applicant and neighbour. The impact of construction work is not a planning consideration. There is no council policy or requirement to impose a condition restricting hours.
The outbuilding could be removed without planning permission, and furthermore, a fence/wall up to 2m in height could be placed on this part of the boundary without planning permission.
The window on the southern (side) elevation of no.19 is located at ground floor level, and as such it is not considered that the proposed extensions will result in a significant loss of light. Neither is it considered that the windows on the rear elevation, which would be located approximately 1.7m above the floor level, would give rise to significant overlooking. Indeed, depending on its size, a dormer window could be constructed within the rear aspect of the roof, with windows, without planning permission.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

M/7/10/

PLANNING APPLICATION REPORT

REF NO: M/7/10/

LOCATION: 17 The Layne
Elmer Sands

PROPOSAL: Ground floor and roof extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 0.117 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dwarf brick wall to front, close boarded fencing and hedging over 2m high to sides and rear.
SITE CHARACTERISTICS	The site is a one and a half single storey detached dwelling, with rough rendered elevations and a pitched roof. There is an external staircase and balcony to the southern (side) elevation.
CHARACTER OF LOCALITY	The site is located in a residential road of predominantly detached dwellings, a mixture of single and two storey properties.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Middleton Parish Council

Parish Council representation:
No Objection

Other representations:

Comments on Representations received:

Comment on Parish Council representation:
Noted

Comment on other representations:

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE

MDS	Middleton-on-Sea Village Design Statement by Middleton PC

POLICY COMMENTARY

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

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 conflict with policy DEV19 of the Arun District Local Plan in that the proposed extension would not be visually subservient to the existing building. However 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 other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background, in that the proposed development 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.

CONCLUSIONS

Principle
This application seeks planning permission for the construction of a single storey rear infill extension, and extensions to the roof, including dormer windows, at 17 The Layne.

The proposed infill extension would measure approximately 4m in width, and 2m in depth. However, the main aspect of this development is the roof extension, the ridge height of which would be raised by approximately 1.8m. A dormer window would be inserted within each of the front and rear roof planes. Both dormers would have monopitched roofs approximately 3m high, with cheeks approximately 1.5m deep. The dormer to the front would measure approximately 7.5m in width, whilst that to the rear would measure approximately 8.5m in width.

Visual Amenity
Whilst it is appreciated that these roof alterations are extensive, and change the appearance of the building quite significantly, it is considered that the proposed development would be in keeping with the character of the locality. At present no.17 is one of the smaller properties within The Layne. As such it is considered that the proposed increase in roof height would not constitute an incongruous addition to the street scene, where there are several existing properties of a similar height to that proposed. Indeed, in 1999 permission was granted for the addition of a first floor to the adjacent property, no. 19 The Layne (Ref. M/104/99).

Residential Amenity
Neither of the adjacent properties, no's 19 and 15, have windows at first floor level. No 19 has a hipped roof, with a roof light in its southern (side) elevation, whilst no. 15 is a chalet style property with no openings in the northern (side) of its roof. Therefore it is not considered that the proposed alterations will have a materially adverse impact on the occupiers of these properties by means of being overbearing. However, it is considered prudent to recommend a condition stating that the additional ensuite bathroom window on the northern (side) elevation, be obscure glazed, in order to prevent overlooking.

Summary
Whilst the proposed development significantly changes the appearance of the existing dwelling, it is not considered to have an adverse effect on the visual or residential amenities of the locality. It is therefore recommended that the application be approved, subject to the following conditions:

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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

3 The first floor windows on the northern elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

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

4 This permission relates to the following approved plans, drawing 1/2, 2/3, 3/3, received 10th February 2010.

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.

5 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY
This planning permission was granted because, although the proposed development does not comply with the policies in the Development Plan Listed below in that it would not be visually subservient to the existing building, there are material considerations which indicate that it can be granted. These material considerations are that it would have no materially adverse impact on the visual or residential amenities of the locality.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: PPS1

MIDDLETON-ON-SEA VILLAGE DESIGN STATEMENT

This paragraph is to comply with Article 22 General Development Procedure Order 1995