

Recommendation Report for Planning Permission

REF NO: M/7/18/PL

LOCATION: 14B Sea Way
Middleton on Sea
PO22 7SA

PROPOSAL: Variation of condition 2 imposed under M/42/17/HH relating to approved plans incorporating a roof light on the north elevation and extension to the front garage store at ground floor

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. M/42/17/HH related to permission for an extension to the existing 2 bedroom property to create a significantly larger 2 storey 4 bedroom dwelling with a ridge height of 6.8m, a length of 15.5m and a depth of 8.8m at its deepest point. The extension would be 1.3m higher than the existing property and 12m longer. This proposal seeks to add a small 1.2m deep front extension to the proposed 'garage' or store at the front of the dwelling together with the addition of an obscure glazed, non-opening rooflight, to the northeast roof plane.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mainly fencing to 1.8m
SITE CHARACTERISTICS	Detached dwelling and garden. Dwelling has a limited footprint and has the appearance of a garage and ancillary room above and a conservatory to the side. The dwelling is located close to the access road and site boundary
CHARACTER OF LOCALITY	Predominantly residential, characterised by detached dwellings of varying design in large plots with space around resulting in a spacious layout.

RELEVANT SITE HISTORY

M/128/17/NMA	Non-Material Amendment following a grant of planning permission M/42/17/HH for replacement of the ground floor living room window on the south east elevation with bi-fold doors.	Approve 22-12-17
M/42/17/HH	Demolition of 1 No. shed & garage & erection of two	ApproveConditionally

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Middleton Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Area of Special Character

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings
AREA1	Areas of Special Character

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

D DM1	Aspects of Form and Design Quality
D DM3	External Space Standards
D SP1	Design
HER DM4	Areas of Special Character
D DM4	Extensions & Alterations to Existing Buildings
HER SP1	The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY 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 and is 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.

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. The examination was completed in September 2017.

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. 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 Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018

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 does not 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 and appearance of the Area of Special Character.

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 submitted seeks to vary the plans condition imposed in M/42/17/HH so as to allow for an extension to the garage/store and insertion of an additional rooflight to the buildings north-east roof plane.

The extension of the garage/store would be single storey with a width and depth of in height with 4.2m and 1.2m respectively. It would be constructed with painted render elevations to match the appearance of the extended dwellinghouse and this would be controlled by condition. The extension would sit beneath a hipped, tiled roof to match the appearance of the extended dwellinghouse. The purposes of these minor amendments are to provide a more useable storage area and allow a greater amount of natural light into the first floor landing and stairwell area.

The principle of enlarging the existing dwellinghouse has already been established under planning application M/42/17/HH. The proposed roof light is proposed to be obscure glazed and non-opening and is to be controlled by a condition in this respect it would therefore have no adverse impact on residential amenity. In addition the design of the garage extension would be in of Special Character in accordance with policy AREA 1 of .Arun District Local Plan. The extension would be single storey and would be adjacent to the front garden/ driveway of the neighbouring property it therefore would have no materially adverse impact on residential amenity.

The application is therefore 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 -- Proposed Site Plan, Location Plan and Elevations 16012-103 revB and Elevations/Sections 16012.

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extensions 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.

- 4 The windows at first floor in the rear north east elevation of the extension serving bedroom 1, the staircase and bathroom and in the west elevation at first floor shall at all times be glazed with obscured glass and fixed to be permanently non-opening. below 1.7m above floor level.

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

- 5 The roof light window on the north east 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.

- 6 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 north or west wall of the extension at first floor level 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 and DEV19 of the Arun District Local Plan.

- 7 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.