

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

REF NO: M/80/17/HH

LOCATION: 20 South Walk
Middleton-on-Sea

PROPOSAL: Double storey side & single storey rear extension and front porch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to create a two storey side extension to the East side of the dwelling, with a flat-roofed rear extension.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open driveway with 2 metre wooden fence panels and hedge to the front. 2 metre hedging to side and rear boundaries.
SITE CHARACTERISTICS	Two storey detached dwelling on a large plot.
CHARACTER OF LOCALITY	The area is populated by a mix of housing styles and types.

RELEVANT SITE HISTORY

M/30/05/	Single storey extension.	ApproveConditionally 24-05-2005
M/7/17/HH	Single storey side & single storey rear extension & front porch	ApproveConditionally 16-03-2017

Noted, especially with reference to M/7/17/HH.

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

No representations from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Area of special character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
AREA1
DEV19

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

Publication Version of the Local
Plan (October 2014):

D SP1 Design
HER DM4 Areas of Special Character
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

MDS

Middleton-on-Sea Village Design Statement by
Middleton PC

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 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 does not have a neighbourhood plan, but it does have Village Design Statement, which has been considered during the process of determining 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 for 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 Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

By virtue of its location and level of screening the proposal will be visible from the street scene. However, given the variety of designs along the street it is considered that there will be no unacceptably adverse impact to the established spatial pattern or the character of the locality. Whilst the proposal is not deemed to be subservient to the host dwelling due to its position it has no significantly adverse impact on the street scene, as it retains the visual character of the building and the amenity of the area. Whilst this demonstrates that the proposal has conflict with DEV19(ii), it is in accordance with GEN7(ii) and DEV19(i) & (v).

Given the appearance of the extensions proposed the overall impact of the proposed extensions, the overall impact of the proposed extension are considered to make a positive contribution to the character of the area. This is because the dwelling retains its character as broad and low, with a well maintained lawn frontage, which are deemed to be defining features in the relevant SPG for this Area of Special Character. This allows the development to be in accordance with Policy AREA1 of the Arun District Council Local Plan.

The design of the extensions and the materials that are proposed are deemed to harmonise with the building as a whole, as opposed to looking like extensions. The proposal is deemed to be in keeping with the character of the host dwelling and the established character of the area. The proposed development is considered to comply with relevant policies AREA1, GEN7(ii) and DEV19 (i) and DEV19 (v).

NEIGHBOURING RESIDENTIAL AMENITY

Given the sufficient 7m distance away from the neighbouring property to the east, the proposed development is not deemed to have an unacceptable impact on the amenity of the neighbouring properties in terms of overshadowing, overlooking or overbearing impact.

All except one of the proposed side elevation windows are on the ground floor level. There is intervening boundary treatment in the form of a 2m high hedge to the East and West elevations which will prevent overlooking from ground floor windows. The first floor window located on the East elevation serves a bathroom and a condition is proposed to ensure that it is obscure glazed and fixed shut below 1.7m to prevent any undue overlooking. The property to the rear is in excess of 30 metres away from the closest part of the development.

Therefore, as a whole the proposed development is considered to be acceptable in terms of residential amenity in accordance with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The application is considered to be in accordance with the relevant policies and therefore is recommended for approval subject to the following conditions.

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

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:
 - Location & Site Plans - PA-209-01
 - Proposed Elevations 1 of 2 - PA-209-08
 - Proposed Roof Plan - PA-209-07
 - Proposed Elevations 2 of 2 - PA-209-09
 - Proposed First Floor Plan - PA-209-06
 - Proposed Ground Floor Plan - PA-209-05
 - Proposed Block Site Plan - PA-209-10

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 The materials and finishes of the external walls and roofs of the development 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 at first floor level in the Eastern elevation of the building shall at all times be and remain glazed entirely with obscure glass.

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.