

Recommendation Report for Planning Permission

REF NO: M/83/20/PL

LOCATION: 18 Old Point
Middleton-On-Sea
PO22 7RY

PROPOSAL: Demolition of existing dwelling house and replacement with new dwelling house
(resubmission of previously approved M/57/20/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application report will look at the additional development from M/57/20/PL which is an extension of the south west corner at the rear of the property at ground floor projecting out 3.77 metres with a breadth of 6.2 metres and at first floor 3.25 metres across with a depth of 3.89 metres including an extension of the balcony.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence
SITE CHARACTERISTICS	A large detached house with extensive gardens at the front and back.
CHARACTER OF LOCALITY	A pre-dominantly residential area on the sea front at Middleton.

RELEVANT SITE HISTORY

M/57/20/PL	Demolition of existing dwelling house and replacement with new dwelling house.	ApproveConditionally 30-09-20
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This application is an amendment of the originally approved replacement dwellinghouse.

REPRESENTATIONS

Middleton Parish Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection.

ADC Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

The Environmental Health conditions relating to construction management and working hours are not considered necessary for a single house as Environmental Health legislation covers these eventualities.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM4	HER DM4 Areas of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Middleton does not have a 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 the design of the dwellinghouse is acceptable and it does not cause a loss of residential amenity to neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1, D SP1 and HER DM4 of the Arun Local Plan. Additionally, The Middleton Design Statement applies to this development

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy HER DM4 of the Arun Local Plan relates to applications within Areas of Character. Proposals will be granted subject to the retention of buildings and other features which make positive contributions to the special character of the area, maintenance of an appropriate mix of uses, and where possible, enhance the special character of the area.

Middleton Design Statement - The Design statement seeks developments of the highest quality in keeping with the scale of existing developments that demonstrate an awareness of local context in their materials and design

DESIGN

The design of the new extension to the dwellinghouse would square off the dwellinghouse at the rear and as such would be an acceptable addition to the design of the dwellinghouse as a whole

RESIDENTIAL AMENITY

The new addition to the dwellinghouse would not breach the 45 degree rule at the rear of the dwellinghouse with the neighbouring dwellinghouse 16 Old Point. This is considered to ensure that no loss of light or overbearing impact would occur as a result of the development. There would be no overlooking windows and the balcony would have a 1.8 metre obscure glazed screen to prevent this.

AREA OF SPECIAL CHARACTER

In accordance with para. 190 of the NPPF and Para 197 of the NPPF 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'

The host dwelling is sited within an Area of Special Character which is characterised by open green frontages, with dwellings set back within their spatial plots. As such, consideration of the rear extension does not impact upon the Area of Special Character and the proposal accords with policy HER DM4 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed driveway and turning space shown has the potential for the provision of 3 car parking spaces which meets the requirements of the Arun Parking Standards Supplementary Planning Document.

The proposal is considered to comply with policy T SP1 of the Arun Local Plan.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

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 East and West Elevations dwg.no.302 C dated 29/10/2020

Proposed North and South Elevations dwg.no. 301 B dated 29/10/2020

Proposed Ground Floor site plan in context, first floor and roof plans dwg.no. 205 C dated 6/11/20

Proposed Ground Floor plan dwg.no. 206 C dated 06/11/20

Site Block Plan dwg.no.102 F dated 29/10/2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place 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 building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QEDM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T SP1 of the Arun Local Plan.

- 7 An obscure glazed balcony screen to a height of 1.8 metres shall be erected on the western elevation of the balcony. The balcony screen shall be retained as such for the lifetime of the development.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 8 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.