

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

REF NO: M/83/25/HH

LOCATION: 9 Alleyne Way
Elmer
Middleton-on-sea
PO22 6JZ

PROPOSAL: First floor side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

M/31/19/HH	Addition of a first floor with alterations to fenestration and rebuilding of existing ground floor walls with internal alterations.	Approve Conditionally 21-06-19
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REPRESENTATIONS

Middleton Parish Council - No objection.

2 letters of objection received from nearby occupiers on the basis of:

- Loss of light.
- Request for obscurely glazed windows to the rear to prevent overlooking.

1 letter of support received from nearby occupiers on the basis of:

- Sympathetic to the character of the existing property.
- In keeping with similarly approved developments in the area.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Coastal Engineers - No response received.

Drainage Engineers - No response received.

POLICY CONTEXT

Prone to Groundwater Flooding.

Flood Zone 3.
 200m Erosion Risk Buffer.
 Lidsey Treatment Catchment.
 Lidsey Local Flood Risk Zone.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM4	W DM4 Coastal Protection

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The application site contains a two storey dwelling with modern alterations and additions completed under M/31/19/HH. This application seeks planning permission for the construction of a first floor side extension over the existing garage. The works would be visible from the street scene and constructed of matching materials.

The proposed first floor side extension would extend over the existing garage to the northern flank of the host dwelling, and it would not extend beyond the existing footprint of the host dwelling. The proposed extension would have a depth of 8.2m, a width of 4.2m. It would have a profiled metal sheet roof covering with an eaves height of 4.6m and a maximum height of 5.7m. It would be set down from the main roof of the host dwelling ensuring that the addition would remain visually subservient in accordance with Arun Local Plan (ALP) policy D DM4. Whilst the proposed extension would alter the appearance and massing of the building, the extension would be in keeping with the character and appearance of the host dwelling following recent modernisation works. The proposed first floor side extension would be a subordinate addition contained over the existing garage, set in 0.6m from the northern side boundary, and would therefore be acceptable in accordance with ALP policies D DM1 and D DM4.

The proposal would not result in harm to the character and visual amenity of the dwelling or the surrounding area in accordance with policies D DM1 and D DM4 of the ALP.

NEIGHBORING RESIDENTIAL AMENITY

Part M of the Arun Design Guide (ADG) states householder extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows.

The site has neighbours to both sides and the rear. The first floor side extension would extend the bulk and massing of the dwelling towards the neighbour to the north, 11 Alleyne Way, and would leave a minimum separation distance of 0.6m to the boundary. The neighbouring property has a small window on their southern elevation at ground floor level, which would experience some loss of light and outlook however, the flank-to-flank separation distance would be 3.7m and the existing window of this neighbour is set forward in relation to the host dwelling. The side extension would extend beyond the existing rear elevation of the neighbour to the north, however it is noted that this neighbour has an existing pitched roof outbuilding constructed along the shared boundary with the application site. Moreover, given the spacing maintained between the rear elevation of the neighbour to the north and the proposed side extension, the proposal would not result in significantly adverse impacts of overshadowing, further than that which is already achieved by the existing built form. It would also have no significantly adverse impacts by way of overbearing impacts to any neighbouring properties.

There is one additional window proposed within the front elevation. It would give rise to views of the front garden and onto the street and would not result in any overlooking. The extension would introduce one additional window at first floor level within the rear elevation. The existing first floor rear windows were conditioned under the original consent for the construction of the first floor accommodation to be obscurely glazed and non-openable above 1.7m, given the close proximity of the neighbouring property to the rear of the application site. As such, it is reasonable to condition the proposed first floor level rear window to be obscurely glazed and non-openable below 1.7m to prevent unacceptable overlooking from occurring.

With regards to the existing fenestration, one window and one door would be removed from the northern flank elevation and no additional fenestration is proposed with this elevation.

The proposed development would not result in harm to neighbouring residential amenity by way of overbearing, overshadowing, or overlooking. The proposed development is therefore in accordance with policies D DM1 and D DM4 of the ALP and the ADG.

FLOOD RISK

The site is located within Flood Zone 3 and is at risk from pluvial flooding. It is also located within the Lidsey Flood Risk Zone and the Lidsey Wastewater Treatment Catchment Area. The drainage engineers were consulted on this application, however no response has been received to date.

The first floor side extension would be constructed over an existing garage and would not increase ground impermeability in this area. The extension would be solely at first floor level and would not result in increased vulnerability. A Flood Risk Assessment has been submitted in support of this application identifying that the finished floor levels will be no lower than existing.

Given the limited increase in impermeable surface and the reasons outlined above, the development would not increase the chances of flooding elsewhere in the district and the proposal is in accordance with policies W DM1, W DM2 and W DM3 of the ALP.

SUMMARY

The proposed development is in accordance with relevant Development Plan policies and as such is recommended for approval subject to the following conditions and informatives.

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

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 not CIL liable.

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 and Site Plan
Proposed Elevations
Proposed Ground Floor Plan
Proposed First Floor Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 The first floor window on the rear (eastern) elevation of the first floor side extension shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and non-openable below 1.7m above finished floor level. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country

Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.