

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

REF NO: M/87/15/HH

LOCATION: 6 Templesheen Road
Elmer
Middleton-on-Sea

PROPOSAL: First floor rear extension. Resubmission of M/65/15/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to erect of first floor rear extension to this dwelling. The extension is to be above an existing single storey flat roofed rear extension on the rear west side of the dwelling.

The extension would be of the same width and depth as the existing rear extension and would measure 3.8m in depth 4m in width. Depth of the extension, due to the rear roof plane of the existing dwelling would be 5.4m at eaves level. No side windows are proposed and there is to be a

single rear window. The additional accommodation is to form a bathroom. Materials are proposed to match those of the existing dwelling, in that the first floor extension will be white painted. A mock pitch with flat roof behind has been proposed.

SITE AREA

Approximately 0.04 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front and front side garden boundaries of the site are enclosed by a low (1m) white rendered wall. The west side access/driveway boundary is a brick wall rising from 1.5m to 2m in height. The east side boundary is a similar wall.

SITE CHARACTERISTICS

The site is occupied by a two-storey dwelling with steep pitched roof and having much of the first floor in the roof space. There is a gable facing the road. The dwelling is white rendered with a roof of small plain red roof tiles. The existing ground floor rear extension has a flat

roof and is constructed of unpainted red brick. To the west rear side of the dwelling on the boundary, there is a detached garage with front gable and ridged roof. To the rear of this are other outbuildings located on the boundary.

CHARACTER OF LOCALITY

The character of the area is residential with a mixture of house types and designs including full two storey, chalet type and bungalow type dwellings. the adjoining two storey dwelling to the west had first floor windows facing towards the application dwelling.

RELEVANT SITE HISTORY

M/65/15/HH	First floor extension	Refused 03-08-2015
M/10/66	Conversion into two self contained flats	Refused 15-09-1966

The recent previous application M/65/15/HH was refused on the grounds of the unacceptable and detrimental visual appearance, affect on the appearance of the dwelling and on visual amenity generally.

The proposal sought to repeat the design of the existing ground floor rear extension by reintroducing the flat roofed design at a higher level. The design did not reflect the design/appearance of the existing dwelling and was not considered to be sympathetic to the appearance of the existing dwelling. The proposed extension was considered to result in the introduction of what would in effect have been a full two-storey flat roofed extension which would have had an incongruous and unsympathetic appearance. In addition, the proposed first floor would have been set in on 2 sides from the ground floor and would have provided for an unacceptable flat roof transition from ground to first floor.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Middleton Parish Council raises no objection.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water (SW) has not objected but has advised:

- That a formal application for a new connection to the public foul sewer is required.
- Requests an informative regarding such a connection.
- That there are no public surface water sewers in the area and that an alternative method of drainage is required which must not involve disposal to the public foul sewer.
- That surface water inundation issues in the Lidsey Catchment the applicant be advised in relation to reducing potential impacts of development and that the public sewage system should be protected.

Comments on Consultation responses:

Informatives will address consultee comments/advice.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Lidsey treatment Catchment Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

[GEN2](#)

[GEN7](#)

[AREA19](#)

Built-up Area Boundary

The Form of New Development

Primary Shopping Frontages

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

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)

D SP1 Design

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this

case is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and D SP1 in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

RESIDENTIAL AMENITY

The proposed extension is set away from the west boundary and the adjoining dwelling. There is little if any impact on light and the extension is not unduly dominant in outlook. The absence of side windows means that there is no privacy loss and the nature of the accommodation (bathroom) means that it is unlikely that the rear window serving that room will give rise to overlooking or privacy loss.

It is therefore not considered that there will be any significant privacy loss from the proposed extension and that it would be accord with policies GEN7 and DEV19 and also DDM1 and DDM4 in this regard.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in change to the appearance of this dwelling. The revised design introduces a more acceptable visual appearance as a consequence of the removal of the poor transition between ground and first floor and the provision of a mock pitch. The extension is now more consistent with the appearance of the existing dwelling and is considered to be visually acceptable in terms of the appearance of the existing dwelling and the visual amenity of occupiers of surrounding dwellings.

It is therefore considered that there will no harm to the appearance of the dwelling or to visual amenity and that the proposed extension would be in accord with policies GEN7 and DEV19 and also D DM1, D DM4, Q SP1 in this regard.

It is therefore recommended that planning permission be granted subject to the following condition(s):

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 private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 it will have a neutral impact 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).

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 drawing:

Drawing Number 1769/01/02/A - Plans & Elevations proposed - Dated June 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment policies GEN7 and DEV19 of the Arun District Local Plan 2003 and policies D DM1, D DM4 and D SP1 in the Arun local Plan 2011-2031, Publication Version.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in appearance, 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 2003 and policies D DM1, D DM4 and D SP1 in the Arun local Plan 2011-2031, Publication Version.

- 4 No additional windows (other than those shown on the plans hereby approved) shall be constructed in the south west side or north east side elevations of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan 2003 and policies D DM1, D DM4 and D SP1 in the Arun local Plan 2011-2031, Publication Version.

- 5 **INFORMATIVE:** Southern Water (SW) has advised that a formal application for connection to the public sewerage system is required in order to service this development. SW has further advised that:

- That there are no public surface water sewers in the area and that an alternative method of drainage is required which must not involve disposal to the public foul sewer.
- That due surface water inundation issues in the Lidsey Catchment the applicant be advised in relation to reducing potential impacts of development to refer to 'Practical measures to reduce the potential impacts of development'.
- That the public sewage system should be protected

Please contact Southern Water at Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW.

Tel: 0330 303 0119.

W: www.southernwater.co.uk

- 6 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.