

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

REF NO: PO/3/15/HH

LOCATION: 3 Arundel Road
Poling

PROPOSAL: Two storey side extension & single storey rear extension under green/sedum roof garden. (resubmission following PO/4/14/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed 2 storey side extension would be 4.4m wide and would extend the property at a lower ridge height than the existing dwelling. It would also be set back 1m from the front elevation. A single storey rear extension is also proposed measuring 8.5m by 3.6m, with a first floor balcony.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

2m high close boarded fencing to side boundaries

SITE CHARACTERISTICS

The site is occupied by a semi-detached two-storey dwelling which has red/brown brick elevation walls and a tiled, hipped roof. There is a detached flat roof garage positioned to the side (east).

CHARACTER OF LOCALITY

The site is located outside of the built-up area but is part of an established line of residential dwellings that border the southern side of Arundel Road. All dwellings are two-storey and there is a mix of terraced, semi-detached and detached properties. The arrangement is fairly linear, with buildings being set back from the road. Dwellings back on to open fields and countryside to the south. The A27 passes close by to the north.

RELEVANT SITE HISTORY

PO/4/14/HH

2 storey side extension & single storey rear
extension under green /sedum roof garden

Refused

10-04-2015

REPRESENTATIONS

Representations received:

4 letters of objection - Comments relating to initial plans. The proposal would not be subservient to the main dwelling and would appear as an unbalanced pair. It would be visually obtrusive and out of keeping in the street scene. Balcony area will result in serious overlooking of gardens to neighbouring dwellings. Screening will not prevent overlooking from the rear. It is a shame neighbours were not consulted first. There is no screening to the balcony just open railings. Can't see a real difference between refused application and this one.

Comments in relation to substitute plans - Set back position of extension to north elevation will look out of place. Looking from the northeast, with all the different ridge heights, porch, French doors and balcony the proposal will look a complete hotchpotch. Concern regarding the size and number of windows in the east elevation. They will look directly into the neighbour's property. Amended plans have not addressed concerns relating to overlooking from balcony. This would be significant given the nature of the proposed use and that the decking could be extended over the green roof portion. The extension would still not be subservient and would be unbalanced and visually obtrusive and out of keeping in the street scene.

Comments on Representations received:

The balcony area above the single storey rear extension is proposed to have 2m high screening to both sides which would preclude direct overlooking onto the sides of the adjoining properties and the adjacent gardens. There has been no alteration to the balcony through the course of negotiation since adverse overlooking is not considered to result. The reduced footprint and set back position of the extension which has been achieved through negotiation is considered appropriate and is preferable to the flush appearance of the proposal as submitted. The extension now has less of an unbalanced appearance. Policy DEV19 requires extensions to be subservient to the host dwelling and a set back from the front elevation and reduction in roof height are considered to comply with this policy requirement. The dwelling currently has 5 windows in the east elevation, as a result of the proposal there will be a reduction to 3. It is proposed to attach conditions to ensure that the first floor window is obscure glazed to prevent a material loss of privacy to the neighbour and that no additional windows are added to the east elevation

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7
DEV19

The Form of New Development
Extensions to existing residential buildings

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Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

PLANNING 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.

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. There is no adopted Neighbourhood Plan for Poling.

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

This application follows an earlier application for a 2 storey side extension and single storey rear extension (PO/4/14/HH) which was refused for reasons which included the lack of subservience and the unbalanced appearance in the street scene. The extension has now been reduced in size. Following negotiations, as part of this submission, the extension has been set back 1m from the front elevation and the ridge height has been reduced. The proposal will increase the width of the dwelling frontage but would not project forward of the existing dwelling frontage and would therefore not disrupt the linear arrangement of dwellings that line this section of the road. It is one of a pair of semi-detached dwellings that are similar in appearance. The dwelling to the west has not been extended at first floor. However, given the set back position of the extension it is considered that it would be subservient to the host property and would not unacceptably unbalance the present symmetrical appearance of the pair of dwellings which is characteristic of this part of Arundel Road. Other properties in this area have been extended to the side.

It is noted that No. 6 Arundel Road, has had a similar extension to the proposed scheme made to the side (granted under PO/3/02), but this followed an earlier extension to its pair (no6 under PO/6/13). As such, the proposed extension rebalanced the two buildings and allowed for an improved visual relationship between the two dwellings. Application PO/3/02 was granted prior to the adoption of policy DEV19 of Arun District Local Plan which requires extensions to be subservient. A gap of 1.5m is provided to the side elevation which provides an adequate visual gap between the extension and the neighbouring two-storey dwelling to prevent a terraced appearance from arising. It is therefore considered that the amended plans satisfactorily address the previous refusal reason and the proposal no longer has an adverse impact upon the character and appearance of the surrounding area.

The proposed extension will bring a two-storey building element closer to the eastern site boundary, which is shared with No. 2 Arundel Road. However the side elevation will run alongside a single-storey garage wall and an adequate degree of separation will be maintained between the extension and the main dwelling building at No. 2. In addition, there will be no windows looking towards the extension except for a first floor window serving a bedroom which is conditioned to be obscure glazed. The rear projection will be set in 1.7m from the western boundary behind an existing single storey WC extension. Given these distances and the single storey height it is not considered that the rear extension would cause undue levels of overbearing towards neighbouring residential properties.

All new windows in the front elevation will face out towards the road and not look directly towards any residential property. Views from the windows on the rear elevation will look towards the far end of the site and the open fields that extend beyond it and any views towards neighbouring property from ground floor windows will be interrupted by existing site boundary treatment whilst those available from first floor windows will be at an angle and concentrated towards the end of their gardens. These views will be similar to those offered by existing windows on the rear elevation. The proposed first floor balcony would be screened by 2m high screening to preclude direct overlooking to the adjoining properties. It is therefore considered that the proposal will not give rise to intrusive levels of overlooking. The corner of the balcony screening would slightly encroach on the 45 degree, but given the limited encroachment it is not considered that a materially adverse effect would result to the residential amenities of the property to the east.

It is therefore recommended that the application is approved subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 neutral 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).

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).

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- 2 The development hereby approved shall be carried out in accordance with the following approved plans 14041/02R9.

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 window on the east elevation of the building at first floor level 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 and DEV19 of the Arun District Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the east elevation of the extension hereby permitted which adjoins the side boundary with 2 Arundel Road 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, DEV19 of the Arun District Local Plan.

- 5 Prior to commencement of development details of 2m high balcony screening shall be submitted to and approved by the Local planning Authority and the development shall proceed in accordance with the details so approved and the screening shall be retained in perpetuity.

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

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.