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

REF NO: **PO/4/14/HH**

LOCATION: 3 Arundel Road
Poling

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed 2 storey side extension would be 5m wide and would extend the property at the same ridge and eaves height as the existing dwelling. 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/5/55	Sewage Installation	ApproveConditionally

21-02-1956

REPRESENTATIONS

Representations received:

3 letters of objection - These extensions will treble the ground floor area of the house and the decked area of the roof terrace will be within a couple of metres of neighbour's boundary. Will result in overlooking of gardens to neighbouring dwellings. Will also result in overlooking into rear lounge windows. Proposed balcony screening would be 5m deep and have a total height of 5m. Will create a total eyesore from garden and reduce light to patio. Screening will not prevent overlooking from the rear.

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 into the rear elevation of the adjoining property and the adjacent gardens. The balcony screen would be 2.5m from the side boundary which would adequate to prevent adverse overbearing impacts to the adjacent property to the east.

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	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D SP1 Design D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; 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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

The proposal will increase the width of the dwelling frontage and, therefore, alter its appearance within the street scene. It is accepted that the extension 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. However, 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. The extension would not be set down below the existing roof line and would virtually double the size of the dwelling. It is not therefore considered that the extension would be subservient to the host property. It would also unbalance the present symmetrical appearance of the pair of dwellings which is characteristic of this part of Arundel Road.

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. The windows on the front elevation would also not reflect the size and design of the existing dwelling and would appear too small and out of keeping. A gap of 1m is provided to the side elevation which provides an adequate visual gap would between the extension and the neighbouring two-storey dwelling to prevent a terraced appearance from arising. But the lack of symmetry and bulk, scale and design of the extension are not acceptable and the proposal is therefore considered to result in 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 could be 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 and 2m from the western boundary. 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 an adverse effect would result to the residential amenities of the property to the east

It is therefore recommended that the application is refused for the following reason

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of 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

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

REFUSE

1 Given the height, size and design of the proposed 2 storey side extension it would not be subservient to the main dwelling and would result in an unbalanced appearance to the pair of properties and would be visually obtrusive and out of keeping in the street scene contrary to policies GEN7 and DEV19 of Arun District Local Plan and the NPPF.

2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.