

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

REF NO: P/100/12/

LOCATION: 1 Downlands Close
Pagham

PROPOSAL: Proposed creation of new 1st floor & raised tiled roof.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 1,183 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	0.5 metre high fence to front boundary. 2 metre high fence to side and rear boundary adjoining road. 1.8 metre high conifer hedge and fence to side boundary adjoining no. 2 Downlands Close.
SITE CHARACTERISTICS	Detached modern bungalow constructed from red brick with pitched, tiled roof and single storey side extension and rear conservatory. Corner plot.
CHARACTER OF LOCALITY	Semi-rural. Residential development to the east, south and west; open countryside to the north.

RELEVANT SITE HISTORY

P/117/10/	New dwelling	Refused 12-01-2011
P/35/55	Bungalow	Refused 09-11-1955
P/4/65/E	Bungalow and garage	Approve Conditionally 10-03-1966
P/113/70	Garage and car port	Approve Conditionally 18-11-1970
P/57/80	Extension at rear to enlarge dining room	Approve Conditionally 07-05-1980

P/18/83	Extension to side of property	Approve Conditionally 02-03-1983
P/33/85	Extension	Approve Conditionally 01-05-1985

REPRESENTATIONS

Representations received:

Pagham Parish Council

Objection. On balance, members felt that the proposal as submitted would not be in compliance with saved policies of the ADC Local Plan and the Pagham Village Design Statement. Comment was made of the height and bulk of the building being out of character with those in that locality, particularly in Downlands Close itself. Members reflected upon similar high level dormers consented at Fletcher Close itself having a seriously detrimental effect upon residents in Esher Close, which had been the subject of retrospective complaint to the Council by distressed retired folk at that location. Opinion was expressed that such a building would dominate the streetscape in an undesirable way at the entrance to the built up area of the village of Nyetimber, which has been claimed to possess its own discreet and ordered identity.

It was therefore considered that this application is in conflict with the following:

GEN7 ii) responds positively to identified characteristics and enhances local distinctiveness. Does not have an unacceptable adverse impact on adjoining occupiers.

DEV19 ii) visually subservient to the main building, adverse, overlooking or overbearing effect on neighbouring properties. Does not compromise established pattern and character of the street.

Pagham VDS

Page 17 (section 6) bullet points 4, preserves character of the area, boundaries, contribute to overall streetscene, in keeping, well-related to existing buildings and space.

Comments on Representations received:

The site is located within the built up area boundary, where there is no objection in principle to new development.

Properties directly opposite the application site (Old Windmill) comprise two storey modern flats with half hip roofs. The proposed two storey dwelling will be of comparable size with a similar roofspace. Properties to the east along Downlands Close are modern bungalows and chalet bungalows, and properties to the northeast along Hook Lane are detached bungalows and two storey dwellings of various character and design. Within this context, the proposal is not considered to be out of keeping or harmful to the character of the area.

In regard to neighbouring properties, two dormer windows facing no. 2 Downlands Close will serve bathrooms and will be obscure glazed. As a result, there will be no direct overlooking or loss of privacy. The rear facing dormer window is at a distance of 25-30 metres from no. 6 Hook Lane and will face a front garden.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 is not visually subservient.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are 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 on the edge of the built-up area boundary where new development is acceptable in principle, provided it has an acceptable impact on visual and residential amenity.

DESIGN AND VISUAL AMENITY

The existing property is a modern, detached pitch roof bungalow located in a corner plot at the entrance to Downlands Close on Pagham Road. The surrounding area is semi-rural in character. The site is surrounded by residential development to the east, south and west, and open countryside to the north.

The VDS sets out criteria for new development in the Area of Special Character. In this location, the criteria includes:

- highest quality design and layout;
- exclude development in existing open spaces;
- preserve character of area;
- traditional materials where appropriate;
- extensions in keeping, well related to existing buildings and space;
- maintain existing pattern (set back and density).

The proposal seeks to provide additional habitable accommodation at first floor level and raise the roofline of the property to create a detached two storey dwelling. The roofline will measure 7.7 metres in height to the ridge and will be pitched and hipped, with hip roof dormer windows. The eaves height will measure 4.3 metres. The property will occupy the same footprint as the existing bungalow and the hip roofline reduces the bulk and mass of the roof. The elevations will be tile hung at first floor level and the roof will be plain tiles. The property sits in a plot of approximately 0.118 ha and the spacious layout and separation to neighbouring properties is retained. The proposal will alter the character of the property from a bungalow to a two storey dwelling; however the proposed extensions are considered to be well designed.

Properties along Downlands Close comprise detached bungalows and chalet bungalows of identical style and design. To the west of the site is a modern, two storey flatted development, and further to the northeast along Hook Lane, are detached bungalows and two storey dwellings of various character and design in medium size plots. Within this context, the proposal is not considered to be out of keeping with or detrimental to the visual amenities of the surrounding area.

RESIDENTIAL AMENITY

The nearest neighbouring property is no. 2 Downlands Close to the east. Two first floor windows are proposed in the east flank elevation facing the neighbour. These will serve bathrooms and will be obscure glazed. The first floor dormer windows in the south and west flank elevations will face the main road, and the north flank dormer window will be 25-30 metres from no.6 Hook Lane. The proposal is not considered to have an adverse or overbearing impact on no. 2, as the roofline is hipped and set back from the common boundary.

SUMMARY

In summary, the proposal will alter the character of the property from a bungalow to a two storey dwelling. However, the proposal is considered to be a good design that is well related to existing buildings and space that will preserve the visual amenities of the surrounding area. The proposal is not considered to adversely impact residential amenity. It is therefore recommended that consent is granted, 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 (right to respect to 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 (Neutral) 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).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: sheet 2 of 5 block plan, location plan, proposed first floor plan; sheet 4a of 5 existing ground floor plan; sheet 5 of 5 existing elevations and existing and proposed roofplan; sheet 1a of 5 proposed ground floorplan; sheet 3 of 5 proposed elevations, received on 24 December 2012.

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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The first floor windows on the east flank elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a height of 1.7 metres from finished floor level.

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

- 5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2, DEV19, Pagham Village Design Guidance

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 6 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 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.