

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

REF NO: P/23/13/

LOCATION: 118 Pagham Road
Pagham

PROPOSAL: Single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	- Demolition of existing rear deck. - Construction of single storey rear extension, 3.3m deep x 7.25m wide x 2.8m high. - Roof lantern to proposed extension. - Brick, felt and UPVC to match existing.
SITE AREA	Approx. 540sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Northeast boundary 1.5m high timber fence. Southwest hedging.
SITE CHARACTERISTICS	Two storey terraced dwelling with extensions.
CHARACTER OF LOCALITY	Two storey semi-detached and terraced dwellings. Opposite site is Pagham Village Hall and fields.

RELEVANT SITE HISTORY

P/27/08/	Rear 1st floor extension.	Approve Conditionally 28-03-2008
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REPRESENTATIONS

Representations received:

Pagham Parish Council

- No objection.

One letter of objection

- The applicant is proposing to build to the boundary, I require that I am able to keep it maintained.
- I have approached the applicant and he has agreed to leave enough room to allow for maintenance (0.65m).

report

- Only 12 inches between our ground floor extensions and is impossible to keep clear of weeds.
- He is intending to build within 1m of my soakaway (P/117/82/BR).
- He is building over the soakaway for his own existing extension.
- A first floor extension was added over the previous ground floor extension and I fear this would be the case for this extension.
- No mention of how rainwater will be disposed of.

Comments on Representations received:

- The small gap is between the existing extension on the subject property and the objectors property and will not be worsened by the proposal.
- The proposed wall is brick which is low maintenance and should not require regular maintenance access.
- Drainage issues will be addressed by Council's Building Control.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 DEV19	The Form of New Development Extensions to existing residential buildings
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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, adopted in 2003.

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 conflicts with Development Plan policies GEN7 and DEV19 in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties and it would 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 application site is located within the built-up area boundary where the principle of development is acceptable.

GEN7 FORM OF NEW DEVELOPMENT

The proposal does not respond to the existing characteristics of the site and results in a material adverse amenity impact to neighbouring property.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

The proposed extension does not sympathetically relate to the existing building, being attached to an existing two storey rear extension.

Proposal results in 6.3m cumulative depth of extensions which is greater than half the depth of the original dwelling and is not subservient.

Proposed extension is 2.8m high, built to boundary with No. 116 and set in 3m from boundary with No. 120. The proposal conflicts with a 45 degree line drawn from the centre of the nearest opening at Nos. 116 and 120 and will cause an overbearing to Nos. 116 and 120 and an overshadowing impact to No. 120. New openings face only to the rear garden and no overlooking impact will result.

PAGHAM VILLAGE DESIGN STATEMENT

The application site is in Development Area 6 'Pagham Road' of the Pagham Village Design Statement. The development criteria for extensions is that they should be in keeping and well related to existing buildings and spaces and that existing pattern of density and setback is maintained. The proposal is in conflict with these criteria to the extent that the character of the area would be impacted and density of the site would be excessive.

SUMMARY

The proposal is in conflict with relevant policies and is therefore recommended for refusal.

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 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

In assessing this proposal a neutral impact has 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 The cumulative impact of the proposed single storey rear extension, when added to existing rear additions, would create an excessive rearward projection resulting in an alien feature failing to sympathetically relate to and visually integrate with the host dwelling out of character with the form and pattern of neighbouring properties, harmful to the character and appearance of the locality contrary to the National Planning Policy Framework 2012 and policies DEV19 and GEN7 of the Arun District Local Plan 2003.
- 2 The proposed single storey rear extension by reason of its depth, height and proximity to the boundary would cause an unacceptable loss of outlook and sense of enclosure to the adjoining property no. 116 contrary to the National Planning Policy Framework 2012 and policies DEV19 and GEN7 of the Arun District Local Plan 2003.
- 3 **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.