

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

REF NO: P/23/15/HH

LOCATION: 94 Harbour View Road
Pagham

PROPOSAL: Demolish garage & single storey rear/side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed extension wraps around from the front, side and rear of the bungalow with a uniform flat roof at a height of 2.7 metres matching the existing eaves height of the pitched roof dwelling.

The extension is intended to form a residential annexe including a bedroom, living room, bathroom and shared kitchen/dining room. The bedroom of the current dwelling is also to be extended.

SITE AREA

Approximately 420 square metres

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Open plan front garden and 2 metre concrete post and panel boarded fence to the sides and rear of the property.

SITE CHARACTERISTICS

An L-shaped semi detached single storey dwelling with an attached single storey flat roof garage at the side of the property to the rear. The property is constructed of brick and white rendered walls with a dark concrete corrugated tile on the roof. A concrete drive wide enough for a single car leads from the highway down the side of the house to the existing single garage

CHARACTER OF LOCALITY

A primarily residential area on a street of bungalow properties of a variety of styles and designs close to the commercial centre of Pagham.

RELEVANT SITE HISTORY

P/85/79 - Sun lounge extension and extension of garage - Approve conditionally.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Objection on the grounds below.

Members felt that although there was a roughly similar extension to the property adjacent, this was an excessive, cramped structure with minimal separation from the next door dwelling and was also a significant impact upon the established streetscape.

It was felt that this proposed should be examined by Development Control Committee in respect of the loss of garage facility and the reasons stated above as supported by the relevant following policies.

Comments on Representations received:

The proposed single storey extension would not have a significant impact on the streetscape as it would be subservient to the existing dwelling by virtue of its relatively low height and front elevation level with the existing building line of the property and neighbours. In addition it would not appear linked to the neighbouring property as it is set forward of the garage next door.

2 car parking spaces would be available at the property following the completion of the extension.

The new extension would not appear linked to the neighbouring property in the street scene.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan

PD restriction

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
DEV19

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

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
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

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design
Statement by PaghamPC

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 main criteria against which this application will be assessed is contained within the Arun District Local Plan 2003 policies GEN7 and DEV19, the Emerging Local Plan 2014 policies D DM1 and D DM4 and the Pagham Village Design Statement.

DESIGN AND VISUAL AMENITY

The extension is of a size and height that is visually subservient to the host dwelling. The extension will not be dissimilar to other front, side and rear extensions in the vicinity where flat roof extensions are present. The infilling caused by the side extension is typical of extensions to neighbouring properties.

The approved plans were amended from those originally submitted to improve the appearance of the front elevation of the dwellinghouse in the street scene by matching the new windows in the front elevation with those windows already existing in the applicant's and neighbouring properties.

The proposed extensions are therefore considered to comply with the Pagham Village Design Statement, policies D DM1 and D DM4 of the emerging Local Plan 2014 and policies GEN7 (ii) and DEV19 (i) & (ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The properties to the rear and front are unaffected by the single storey proposal as they are set a considerable distance away. The two neighbouring properties that are most affected by the proposal are 92 Harbour View Road to the north and 96 Harbour View Road to the south.

The property immediately to the north, 92 Harbour View Road is set at a slight angle to applicant's dwelling and is set back between 1.6 metres (front) to 2.6 metres (back) from the shared boundary line. The proposed extension would not be significantly higher than the existing 2 metre fence and existing garage and there are no primary habitable room windows in the side elevation facing the side elevation of the applicant's property.

The extension would not give rise to a loss of outlook, daylight. In addition no windows would face the neighbouring property and a condition could control the insertion of any windows into this north facing elevation preventing any possible loss of privacy to the neighbouring dwelling.

To the south at 96 Harbour View Road, adjacent to the boundary, the rear extension has been stepped in to 1.4 metres in projection rather than the 3 metre projection of the northern part of the rear extension which ensures that the proposed extension complies with the 45 degree rule and is not considered to cause a loss of privacy, outlook or daylight.

There is sufficient space to the front of the building to provide two parking spaces.

It is not considered that the proposal will result in a significant loss of residential amenity to neighbouring properties and is in accordance with the amenity aspects of Policies D DM1 and D DM4 of the Emerging Local Plan 2014 and policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

CONCLUSION

It is considered that the development would be in keeping with the character and appearance of the surrounding area and would not have a significant impact on the visual amenities of the locality, or an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

The application is considered to be in accordance with relevant Development Plan Policy and as such is recommended for approval subject to the below conditions.

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(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 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

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 Site Location and Block Plans 1194-01A, Ground Floor Plan dwg.no. 1194-4A and Elevations Plan dwg.no. 1194-5A

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 materials and finishes of the external walls of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the

Arun District Local Plan.

- 4 No windows shall be constructed in the south and north 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, DEV19 of the Arun District Local Plan.

- 5 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 94 Harbour View Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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.