

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

REF NO: P/46/17/HH

LOCATION: 94 Harbour View Road
Pagham

PROPOSAL: Retrospective application for a flat roof single storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

To retain single storey flat roof extension as built. The extension replaces a former attached garage with flat roof extension with dummy hip to front. The extension then runs to the side and rear and is deeper to the rear than approved by P/23/15/HH.

SITE AREA

Approximately 420 square metres.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m fences to sides and rear boundaries, no treatment to front.

SITE CHARACTERISTICS

An L-shaped semi detached single storey dwelling with an attached single storey flat roof element with dummy hip 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/23/15/HH	Demolish garage & single storey rear/side extension	ApproveConditionally 01-07-2015
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P/23/15/HH approved a similar extension but did not project as far to the rear as built and being applied for now.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection but the Council would wish to see sufficient distance between the development and property boundary to allow for maintenance and to ensure safety in the event of a fire to prevent spreading. Cllr Mr Atkins abstained from the vote.

Comments on Representations received:

Comments noted.

Planning policy does not have power to prevent extensions being built up to side boundaries for the reason of fire safety or maintenance. It is noted that the extension is set, modestly off of the common side boundaries.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICIES

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

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

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Pagham Parish does not have a made NDP but does have an plan which has been publicised Policy 1 is considered to be relevant it this application and the proposal meets its requirements.

Pagham Parish also had an adopted Parish Design Statement which will be taken into account as a material consideration.

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 development is considered to comply with relevant Development Plan policies in that it has no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor does 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 site lies within the built up are boundary where the principle of development is acceptable in line with saved policy GEN2.

DESIGN AND VISUAL AMENITY

The extension does not appear significantly different to the development approved by P/23/15/HH. The part of the proposal visible from the street scene is the single storey side element. This retains the form of the previous single storey garage and is considered to be subservient to the main house as it is set down from the main roof. It shall be considered to be rendered to match the main property before it is completed.

The rear part of the extension is not visible from the street scene. But it is considered to be subservient to the main house as it is set down from the main roof and will also be conditioned to be rendered to match the main house.

The development is considered to be acceptable in terms of design and visual amenity in compliance with the Pagham Village Design Statement and saved policies GEN7 and DEV19.

RESIDENTIAL AMENITY

The impact on residential amenity is the same as the previously approved scheme which was found to be acceptable apart from the rear section of the extension. Its impacts will be considered below.

The main properties to receive and impact are 92 and 96 Harbour View Road to either side. 92 has an existing side extension and the development is not considered to be deep enough or high enough to be significantly overbearing or visually intrusive to its residential amenity. Nor does it result in significant overshadowing or loss of light to number 92's habitable room windows or immediate private external amenity space.

96 Harbour View Road is an attached property and has no adjacent existing ground floor extension to the common boundary with the host dwelling. However, given the modest height and rear projection of the extension it is not considered that it is overbearing or visually intrusive, nor is the extension large enough to result a significant loss of overshadowing or loss of light.

Neighbouring residential amenity protection conditions from P/23/15/HH will be re-imposed on this application.

The development is considered to be acceptable in terms of residential amenity in compliance with GEN7 and DEV19.

The application is recommended for conditional approval.

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 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 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).

The proposal would have a neutral impact on the protected characteristics.

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:

1194-01C,
1194-4B A
1194-5D abcd

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.