

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

REF NO: P/49/18/HH

LOCATION: 39 Conway Drive
Pagham
PO21 4XD

PROPOSAL: 2 storey infill extension to front elevation & 1st floor infill extension to rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to add a 1.3m deep two storey front extension within the existing set back area at the front. This will add a lit shaft, external store and porch with a wardrobe (and lift shaft) above. It will have a flat roof. This extension will be set back from the main frontage by 1m. To the rear, it is proposed to fill in an existing first floor open roof terrace area with a flat roofed extension to the kitchen. None of the extensions will project out from the existing front/rear building lines.
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RELEVANT SITE HISTORY

P/5/88	Erection of car port.	ApproveConditionally 28-03-88
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council
Pagham Parish Council

"It was agreed that the Parish Council should OBJECT to the application, on the following grounds:

1. The proposals would be detrimental to the street scene, contrary to Policy D SP1 of the emerging Arun Local Plan. The houses are currently semi-detached and this would lead to a terracing. The houses in the area are of a specific Scandanavian open design and the proposals are not in keeping with the location;
2. The proposals are contrary to the provisions of the Pagham Village Design statement, page 9, "exercise care to prevent loss of privacy in any extension or new build by virtue of existing comparatively high density link dwelling development";
3. Concern over the noise generated from the installation of a lift against a shared wall; and
4. The design is considered unneighbourly and intrusive."

The Parish later also submitted the following:

"The Parish Council was made aware that substitute plans had been submitted for this application in an attempt presumably to address the objections to the proposed design. The revisions were discussed at a meeting of the Planning Committee held on 24th July 2017. The Parish Council did not feel the substitute plans sufficiently addressed its previous concerns and it continues to object to the proposals. It was not notified by ADC of the substitute plans, but by a local resident. It would be helpful if you could clarify when we can expect to be notified formally by ADC of alterations to planning applications - in some circumstances we are asked to reconsider "amendments" but a "substitute" plan does not trigger the same process?"

21 letters of objection have been received from local residents raising the following issues:

- (1) Harm to the character & appearance of this group of four sand coloured brick link detached Scandinavian style houses (35-41) & the other five red brick link detached houses (25-33);
- (2) Altering the character to that of a terrace;
- (3) Creation of a precedent for future development by other properties;
- (4) Noise disturbance to the adjoining property from the increased living space at the front & rear of the property;
- (5) Noise disturbance to the adjoining property (study & bedroom) from the proposed lift shaft;
- (6) Neighbour has no intention of agreeing to a party wall agreement;
- (7) Impact on house values;
- (8) Reference needs to be made to the Pagham Village Design Statement;
- (9) Insufficient parking following previous garage conversion and this will only make the situation worse;
- (10) Owner should have bought a larger property;
- (11) Amended plans make no difference to character concerns;
- (12) No consultation on the amended plans;
- (13) Documents not made public on the website;
- (14) Time taken to determine the application; and
- (15) Rumoured that lift is not actually needed and that this has just been included to help get the planning through.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH - Have researched internal lift design in domestic settings. Consider that there will always be concern over noise transmission through the party wall however the lift shaft should be installed by a competent engineer with total isolation from the party wall (in that the shaft will be ground bolted and top bolted). The lift will be fully mounted with suitable absorptive materials (as per the manufacturers guidelines) to minimise any resonance transmission into neighbouring premises. Advise that, if installed correctly, such lift systems should be no louder than, for example, a 'Stannah' stair lift rail system fitted to a staircase on a party wall. Comment that there are two variations of lift, a 'traction' model and a 'hydraulic' model. The hydraulic model will be the quieter of the two as the motor housing is separate from the lift shaft structure and can be isolated well away from the party wall in a separate acoustically housed structure/area within the home. For these reasons, raise no objections to this application but would appreciate the applicant supplying the EH dept. with the full details of the lift to be installed along with the competent company who will be installing the unit.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
PD Restriction;
Open Plan Condition; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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CONCLUSIONS

THE SITE:

Existing link detached dwelling set within a group of four. Two storeys high. Recessed front area and rear first floor uncovered roof terrace. Light tan bricks and a concrete tile roof. The site slopes slightly down away from the road (by about 30cm). Open plan frontage with space for the tandem parking of 2 cars.

RESPONSE TO CONSULTATION RESPONSES

In respect of the Environmental Health Officer response, verbal advice was also sought from the Councils Building Control officers. They have experience of similar lifts being proposed elsewhere in the district and it was their opinion that such a lift would not be noisy and would not be dissimilar in noise terms to a Stannah stair lift. It is not considered appropriate to request details of the lift as no actual planning permission is required for this feature and it would not therefore be reasonable to approve or refuse the application on the basis of a specific lift design.

RESPONSE TO REPRESENTATIONS:

The concerns of the Parish Council will be considered elsewhere in these conclusions. In response to the Parish Councils second comment, Arun DC are only required to re-consult the Parish Council where

the change to the application is materially greater. In this case, the change reduces the area of the extension at the front hence there was no re-consultation. Arun DC also have a duty in accordance with Section 2 of the Neighbourhood Planning Act 2017 to notify Parish Councils of any changes to applications (unless trivial) but this only applies where that Parish Council has an adopted Neighbourhood Plan. As Pagham do not, this rule does not apply.

The following comments are made in respect of local resident objections:

- (1) & (2) Character will be considered below under "CHARACTER & DESIGN";
- (3) Although precedent is capable of being a material consideration in the determination of planning applications, the Council is duty bound to consider each and every application on its own merits;
- (4) This will be considered below under "RESIDENTIAL AMENITY";
- (5) This will be considered below under "RESIDENTIAL AMENITY";
- (6) Noted but this is not a material planning consideration;
- (7) Noted but this is not a material planning consideration;
- (8) This is a material consideration in the determination of this planning application and so will be referred to below under "CHARACTER & DESIGN";
- (9) This will be considered below under "PARKING PROVISION";
- (10) This is not a material planning consideration;
- (11) Noted;
- (12) Arun DC are only required to re-consult the Parish Council & local residents where the changes made to an application increase the intensity of the proposal or make it materially larger. In this case, the changes reduced the front projection of the proposal and therefore there is no requirement to post new site notices or re-consult the Parish Council. However, that is not to say that residents are not allowed to make further objections. Arun DC will accept objections and comments from interested person's right up to the date of decision;
- (13) This has been rectified;
- (14) This is simply a result of the extremely high number of applications currently allocated to each officer and the need in this case to seek amended plans; and
- (15) It is not considered that the inclusion of a lift lends any weight to this application.

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

In December 2014, the Pagham Neighbourhood Plan (PNP) was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. Although no further progress has been made, it is necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

It is considered that Policy 3 "Housing Design" is relevant to this application. This states that:

"The Neighbourhood Plan requires the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, to reflect and enhance the architectural and historic character and scale of the surrounding buildings and landscape, as defined in the adopted Pagham Village Design Statement (VDS). Planning applications must include a flood risk assessment to demonstrate how a scheme will not increase pluvial or fluvial flood risk on any adjoining

land, to the satisfaction of the local planning authority and the Environment Agency."

CHARACTER & DESIGN:

The Parish Council and local residents have raised the following concerns:

- * The proposals would be detrimental to the street scene, contrary to Policy D SP1 of the emerging Arun Local Plan. The houses are currently semi-detached and this would lead to a terracing. The houses in the area are of a specific Scandinavian open design and the proposals are not in keeping with the location;
- * Harm to the character & appearance of this group of four sand coloured brick link detached Scandinavian style houses (35-41) & the other five red brick link detached houses (25-33);
- * Altering the character to that of a terrace;

Policy D DM1 of the ALP requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D DM4 is relevant and states that:

"When considering applications for extensions and alterations to existing buildings, the Council will require that:-

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- c. the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition."

The Pagham Village Design Statement (PVDS) was adopted by the Pagham Parish Council in 2007 and is a material consideration in the determination of this application. The Statement breaks up the district into several character areas and does this by road name. The following "Southern Pagham" criteria are relevant to the proposal:

- Exercise care to prevent loss of privacy in any extension or new build by virtue of existing comparatively high density linked-dwelling development
- Significantly obtrusive enclosure of frontages should not be permitted
- Avoid elements of construction, hard surfacing or landscaping which might inhibit free drainage within

identified flood risk zones

- Frontage treatment and streetscape materials should be consistent.
- Where roadside pockets of green space are in evidence, secure their preservation from loss
- Exercise strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings.

The proposed rear extension will not be visible in the streetscene and will visually integrate with the existing building. It will also be a subservient addition to the building. The proposed front extension will also be a subservient addition but will have an impact on the streetscene by altering the character & appearance of this group of 4 almost identical buildings. However, it is not considered that this change to the appearance of the buildings will be harmful to the streetscene and it is considered that by ensuring at least a metre recess from the front that the overall character of the building group will be retained. It is not considered that there is any terracing effect (D DM4 d) to consider as the building is already joined to the neighbouring dwelling.

It is not considered that the proposal conflicts with any of the criteria within the PVDS. In particular, noting the Parish Council's concerns, it is not considered that there would be any loss of privacy to neighbouring properties.

It is therefore considered that the proposal is in accordance with policies D DM1 & D DM4 of the ALP.

RESIDENTIAL AMENITY:

The Parish Council and local residents have raised the following concerns:

- * The proposals are contrary to the provisions of the Pagham Village Design statement, page 9, "exercise care to prevent loss of privacy in any extension or new build by virtue of existing comparatively high density link dwelling development";
- * Concern over the noise generated from the installation of a lift against a shared wall; and
- * The design is considered unneighbourly and intrusive."
- * Noise disturbance to the adjoining property from the increased living space at the front & rear of the property;
- * Noise disturbance to the adjoining property (study & bedroom) from the proposed lift shaft;

Part C of ALP policy D DM4 states that the extension or alteration must not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. In addition, part 3 of policy D DM1 states that: "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Neither extension will project beyond the existing front or rear building lines and as such, it is not considered that the additions to the dwelling will result in any overlooking or loss of light to either adjacent residential property.

ALP policy QE DM1 states in respect of new noise generating development that

"Proposals will need to be supported by:

- a. Evidence to demonstrate that there are no suitable alternative locations for the development.
- b. A noise report which provides accurate information about the existing noise environment, and the likely impact of the proposed development upon the noise environment. The report must also demonstrate that the development meets appropriate national and local standards for noise, as set out in Annex 1 of the Planning Noise Advice Document: Sussex, and any mitigation measures required

to ensure noise is managed to an acceptable level.

c. Evidence to demonstrate that the development will not impact upon areas identified and valued for their tranquillity, including Gaps Between Settlements which are important to the enjoyment of Arun's countryside, its habitats and biodiversity."

Although the proposal is not accompanied by any documentation to satisfy the above policy, advice from Council Building Control and Environmental Health officers was that it is unlikely that such a lift would generate excessive noise and that it would not be necessary to implement additional insulation. It should also be noted that the lift itself does not require planning permission and therefore, the applicant could have not included this on the plans and added it later. The new accommodation comprises of a wardrobe, porch and kitchen extension. It is not considered that these will result in any significant noise disturbance to the detriment of the neighbouring residents.

It is therefore considered that the proposal is in accordance with policies D DM1, D DM4 and QE DM1 of the ALP.

PARKING PROVISION:

Local residents are concerned that there is insufficient parking following a previous garage conversion and this will only make the situation worse.

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

The Council uses the West Sussex Parking Demand Calculator to assess the parking needs of new developments. According to this calculator, the parking demand associated with the enlarged dwelling would be 2 spaces. The site has a driveway to the front which would, following development, be 8.4m long. This would be only 1.2m shorter than two standard 4.8m long parking spaces laid end to end but would easily allow for the parking of one large car and one small car or indeed two small cars. It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP.

RECOMMENDATION:

It is considered that the application complies with all development plan policies and it is therefore recommended that planning permission be granted subject to the following conditions.

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:

Drawing 001 "Existing Plans and Elevations, Location Plan, Block Plan"; and
Drawing 002 Rev A "Proposed Front and Rear Elevations, Proposed Plans and Elevations".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The materials and finishes of the PVCu Cladding and brickwork to the new walls of the extensions hereby permitted shall match in colour and texture with those of the existing building. The additional use of felt to the flat roof is not required to match.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 4 **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.