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

REF NO: **P/80/17/HH**

LOCATION: 1 The Nyetimbers
Pagham

PROPOSAL: Single storey side & rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Hipped roof single storey east side extension which projects to the rear of the property. The extension would have a hipped roof and be set 0.8m from the common boundary with No. 2 The Nyetimbers.
SITE AREA	0.05 hectares.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fence to side boundary with no. 2 The Nyetimbers. 1.8m fence to rear and decorative 1.8m wall to front.
SITE CHARACTERISTICS	Detached two storey dwelling on a corner plot, set back from road with detached garage to rear, parking to front and garden to rear.
CHARACTER OF LOCALITY	Suburban residential area formed of detached and semi-detached two storey dwellings and bungalows, set back from the road with gardens to front and rear.

RELEVANT SITE HISTORY

P/47/03/	Garage conversion with new pitched tiled roof and velux windows.	ApproveConditionally 23-05-2003
P/121/75	Conservatory and brick wall to replace existing corral fence	ApproveConditionally 08-10-1975
P/89/79	Double garage	ApproveConditionally 08-08-1979

Garage and extensions approved with conditions for host property, previously.

REPRESENTATIONS

Representations received:

No comments received.

One letter of representation objecting on the grounds of loss light, overshadowing and visual intrusion to the residential amenities of number 2 The Nyetimbers and its garden.

Comments on Representations received:

Comments noted.

A similar proposal could be carried out under Class A of the Town and Country Planning General Permitted Development Order 2015 (as amended). As such, whilst the extension does fail the 45 degree line on plan (it passes the test on elevation) to the nearest window of Number 2 The Nyetimbers the fall back position needs to be considered. The amount of harm caused by the breach of the 45 degree rule is not considered sufficient to result in sufficient harm to amenity such that the application be refused.

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	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN9	Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):		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	National Planning Policy Framework
NPPG	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 has taking place. 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. The examination is due to re-commence in Autumn 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 has a NDP at Reg. 14 stage and the relevant policies are:-

Policy 1: A Spatial Plan for the Parish
Policy 3: Housing Design

The proposal is considered to comply with these policies.

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 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

It must be noted that the proposed side extension could be constructed under permitted development without the need for formal consent.

PRINCIPLE

The application site falls within the built up area boundary, where the principle of development is acceptable.

The development is considered to be acceptable in principle in compliance with saved policy GE7 and emerging Parham NDP Policy 1.

DESIGN AND VSIUAL AMENITY

The extension would be modest in height and set down from the main property achieving subservience to both the character and appearance of the host dwelling and street scene. The extension is also set off from the boundary with the neighbouring dwelling at number 2 to retain a space as required by section 7 of the Pagham Village Design Statement. Materials to match will be required via condition to ensure a finish that will blend with the main house.

The development is considered to be acceptable in terms of design and visual amenity and complies with saved policies GEN7 and DEV19, emerging Parham NDP Policy 3 and section 7 of the adopted Pagham Village Design Statement.

RESIDENTIAL AMENITY

Whilst the extension would fail the 45 degree line test on plan, to the nearest window of no 2The Nyetimbers, it would pass the test on elevation and is modest in height, set off the boundary with a roof form which recedes from number 2 The Nyetimbers. As such it is considered that the extension would not result in significant overshadowing of the garden and windows of number 2 The Nyetimbers or harmful visual intrusion to its residential amenities.

No side facing windows are proposed and the roof lights are not considered to offer an opportunity for overlooking as they are high level.

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

The application is considered to be in compliance with the Development Plan and is recommended for conditional permission.

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;

Sheet 1 of 3
Sheet 2 of 3
Sheet 3 of 3 ('proposed roof plan" only)

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, roofs and windows of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

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