

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

REF NO: R/152/13/

LOCATION: 8 West Mead
East Preston

PROPOSAL: Proposed front and rear extensions including extension to garage including pitched roof.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The front extension measures approximately 5m in depth, approximately 22m in width and approximately 5.2m in height. It will be made from brickwork and have a tiled roof to match existing. The rear extension measures approximately 5.5m in depth, approximately 22m in width and approximately 5.2m in height. It will be made from matching brickwork and have a tiled roof to match existing. The existing garage along the southern boundary will be extended to measure approximately 7.44m in length, approximately 5.4m in width and approximately 4.44m in height. This will be an additional 3m in its projection toward the road, whilst maintaining the existing garage width. Materials will be brickwork and a tiled roof to match the dwellinghouse.
SITE AREA	Approximately 2240 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Tree T2 on the block plan close to the north-west corner of the garage is to be felled. This is considered to not provide any significant visual amenity contribution to warrant its retention.
BOUNDARY TREATMENT	A brick wall to front measuring approximately 0.5m in height with hedging immediately behind at approximately 2m in height. There is close boarded fencing at approximately 1.8m in height with hedging and trees in places commonly over 2m in height.
SITE CHARACTERISTICS	A detached bungalow with brown brick elevations and a pitched roof with brown pantiles. A detached garage is located forward of the property.

CHARACTER OF LOCALITY

Predominantly residential in character. Bungalows and chalet bungalows are located in the cul-de-sac of West Mead and are generally set well back from the road.

RELEVANT SITE HISTORY

R/151/76	Erection of 1 bungalow with double garage	ApproveConditionally 13-08-1976
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REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Two letters of objection from the same person at the same address.

The pitched roofs of the extension on the western elevation will be too close to the respective boundary line, top floor bedroom and bathroom windows at 7 West Mead.

The building work is extensive and will form a complete second floor making what has always been a bungalow into a large house that will block the light.

The present Leylandii trees are being removed from the western boundary to make room for the extension. These provide privacy between neighbouring properties.

Comments on Representations received:

The Parish Council response is noted.

The letters of objection are noted. However, an adequate separation is maintained to the western boundary of approximately 3.5m given that the overall height of the roof extension will be similar to existing. The property will remain a bungalow despite the extensions.

However, given the size of the plot and distances to surrounding boundaries, this development form can be accommodated.

The Leylandii trees are not considered worthy of retention. The remaining boundary treatment and adequate distances retained between the proposed development and the western boundary will ensure that there is no harmful loss of privacy or overlooking on to Number 7 West Mead.

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:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

RDS	Rustington Design statement by Rustington Parish Council
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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.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 conflict with relevant Development Plan policies (GEN7) in that it is not considered subservient to the dwellinghouse.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Namely, the proposal is judged to 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.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application includes front and rear extensions and a garage extension. The front and rear extensions combined will increase the footprint of the property by approximately 131.2 %. Consequently, these extensions will not be visually subservient to the dwellinghouse. However, this concern is overcome given the acceptable design of the extensions that respects the existing property including being built from matching materials to ensure visual integration. The property is set well back from the road to ensure that the front extension will not be especially prominent within the street scene. Therefore, the front and rear extensions are considered to comply with Local Plan policy GEN7(ii).

The garage will be extended toward the road by approximately 3m whilst retaining the existing width of the garage. This is a modest increase given the size of the front garden and will not negatively impact on the residential character of the street scene. The proposed materials will again match the dwellinghouse to ensure that it relates well and forms a cohesive scheme.

RESIDENTIAL AMENITY

The front and rear extensions will result in windows in the north and west roof slopes. This will develop the bungalow into a chalet bungalow but with an overall height that will be very similar to existing. Also, owing to a good level of boundary screening and the neighbouring property of Number 7 West Mead being set back at some distance from the property in question, the rear extension is not considered to cause any unacceptable residential effects by way of overlooking, overshadowing, overbearing or loss of privacy. There is also a considerable distance to the neighbouring property of Number 10 West Mead to the east and so the extensions to the house and garage are not considered to cause any adverse neighbouring effects. However, a condition will be placed on the permission to prevent any further windows or other openings from being installed without first applying to the Local Planning Authority.

The garage extension will have no windows on the eastern elevation that faces on to the residential garden of Number 10 West Mead. However, due to its close proximity with this neighbouring garden, a condition will be placed on this permission to prevent any window or other opening being installed in the east elevation of the garage extension without an application being made so that any potential overlooking can then be controlled.

It is therefore recommended that the application is approved, 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 family and private 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: location plan, drawing number 15/13/06 1 (proposed elevations), 15/13/06 6(block plan and roof plan), 15/13/06 4B (existing elevations), 15/13/06 5 (proposed ground floor plan), 15/13/06 2 (proposed elevations), 15/13/06 3A (proposed garden wall details), all dated May 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the front and rear extensions and garage extension hereby permitted shall match in colour and texture to 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the western elevation of the front and rear extensions without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with

policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 The garage hereby permitted shall not be used as a separate unit of accommodation without the prior permission of the Local Planning Authority on an application in that behalf. There shall also be no windows or other openings (other than those shown on the plans hereby approved) formed in the eastern wall of the garage extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To accord with policy GEN7 of the Arun District Local Plan to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and to protect the amenities of adjoining residential properties.

- 6 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 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.