

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

**REF NO:** WA/26/17/HH

**LOCATION:** Park View  
Avisford Park Road  
Walberton

**PROPOSAL:** Single storey rear extension, conversion of garage to habitable space & replacement of existing clay roof tiles with slate.

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                  |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above. The proposal includes changes to the roofing material from tile to slate, cladding of the dwelling, conversion of the garage and single storey side/rear extension measuring 3.4m deep, to the side , 2.7 to the rear with a flat roof 2.5m in height. |
| SITE AREA                             | N/A                                                                                                                                                                                                                                                              |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                                                                                              |
| TOPOGRAPHY                            | Predominantly flat                                                                                                                                                                                                                                               |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                                                                                                   |
| BOUNDARY TREATMENT                    | Fencing to side boundary to approx. 1.6m height.                                                                                                                                                                                                                 |
| SITE CHARACTERISTICS                  | Detached 2 storey dwelling with white painted rendered elevations and a plain tile roof.                                                                                                                                                                         |
| CHARACTER OF LOCALITY                 | Predominantly residential characterised by detached dwellings of varying design, many are rendered with plain tile roofs.                                                                                                                                        |

**RELEVANT SITE HISTORY**

|          |                            |                                    |
|----------|----------------------------|------------------------------------|
| WA/11/88 | First floor side extension | ApproveConditionally<br>14-03-1988 |
|----------|----------------------------|------------------------------------|

**REPRESENTATIONS**

**Representations received:**

Walberton Parish Council

No Objection

**Comments on Representations received:**

None

## CONSULTATIONS

Southern Water Planning  
Engineering Services Manager  
Engineers (Drainage)

### Consultations responses received:

Southern Water - No Objection informative requested.  
Drainage Engineers - No Objection. Condition requested

### Comments on Consultation responses:

Engineers condition not imposed as given the single storey and limited footprint of extension it is not considered reasonable.

## POLICY CONTEXT

Designation applicable to site:  
Within Built Up Area Boundary

## DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19  
GEN2  
GEN7

Publication Version of the Local  
Plan (October 2014):

Walberton Neighbourhood Plan Policy 2017  
HP13

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)  
SD SP2 Built-Up Area Boundary  
Design Guidance

## PLANNING POLICY GUIDANCE

NPPF  
NPPG

National Planning Policy Framework  
National Planning Practice Guidance

## 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).

Policy HP13 Design Guidance of Walberton Neighbourhood Plan is considered relevant.

**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**

##### **PRINCIPLE**

The site is situated within the built-up area boundary where the principle of residential development is acceptable, subject to accordance with relevant planning policies.

##### **DESIGN AND VISUAL AMENITY**

The proposed side extension is modestly sized and would not be readily visible from outside the site. The front elevation would not look out of keeping in the street scene and adequate off road parking is available in front of the dwelling to accommodate any additional demand. Although the materials of the proposed elevation and roof are different from those used on neighbouring dwelling and the existing dwelling it is not considered that the contrast in appearance of the dwelling would look out of place in the street scene or harm the visual amenities of the locality.

Policy HP13 Design Guidance of Walberton Neighbourhood Plan is considered relevant. The proposal would have an effect on appearance of the area but it would utilise good quality materials which whilst contrasting with neighbouring dwellings would not be inappropriate in this location. It is therefore considered to comply with this policy.

##### **RESIDENTIAL AMENITY**

The ground floor extension would be screened from the sole affected neighbouring dwelling to the east by a 1.6m high fencing which could be increased to 2m as permitted development. The neighbouring dwelling is approx. 1m from the boundary. The single storey flat roofed extension would only project a limited amount above the fencing and would be located 0.5m from the boundary. There would be no windows in the elevation facing the neighbour. It would slightly encroach on the 45 degree aspect from the neighbour's rear window but it is not considered that this would result in material harm.

As such the proposed new extension would not cause any significant loss of privacy, light or overbearing impact on the residential amenities of the neighbouring property.

Subject to the following conditions this application is recommended for approval.

#### **HUMAN RIGHTS ACT**

**FOR APPROVAL**

**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 Location DPA 02, Existing Floor Plan DPA03, Existing Elevations DPA 04, Proposed Floor Plan DPA 05, Proposed Elevations DPA06.

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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building

Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the existing dwelling and the extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension and refurbished elevations and roof of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 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 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.

- 7 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or

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[www.southernwater.co.uk](http://www.southernwater.co.uk).