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

REF NO: **WA/28/15/HH**

LOCATION: Copperfield Cottage
Binsted Lane
Binsted

PROPOSAL: Demolition of existing lean-to summer house & erection of single storey extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to erect a single storey rear extension to this dwelling. The extension would be a total of 9.6m in width under a sloping roof with flat roof above the roof plane. The main part of the extension providing additional living accommodation would be 6.6m in width across the rear and extending slightly outwards from the north (side) elevation by 0.55m. The extension would also include a covered area open on 2 sides underneath to hipped roof. Eaves level would be 2.2m as existing and the maximum height of the roof 3.5m. it is proposed to utilise matching materials.
SITE AREA	The site area is approximately 0.28 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	The area is one of sporadic low density development within the open countryside.
TOPOGRAPHY	The topography of the immediate area is relatively flat, although the land form gently rises in the area from south to north. The site is slightly raised from the road.
TREES	None of any significance affected by the proposed development. The site has a number of larger specimen trees mainly on site boundaries, but also within it. A fir and a sycamore are located on the northern boundary in the vicinity of the extension but are a least 4m distant and unaffected by the proposal. A condition(s) can be imposed ensuring that these trees are protected.
BOUNDARY TREATMENT	Site boundaries are mainly hedgerows or planting and the site is well screened.

SITE CHARACTERISTICS	The site is occupied by a bungalow with rooms in the roof. The roof is partially hipped. This is constructed of red brick with plain small red roof tiles and there are solar panels on part of the south facing roof plane. There is a conservatory addition in the centre of the south elevation.
CHARACTER OF LOCALITY	The locality has an open countryside character, with sporadic development, mainly to the east. The area has a rural appearance characterised by fields and hedgerows.

RELEVANT SITE HISTORY

WA/33/91	Demolition of existing barn and erection of 1 No. 2 bedroom bungalow.	Refused 09-09-1991
WA/15/92	Demolition of existing timber bungalow & erection of 1 No. 2 bedroom bungalow	Refused 22-05-1992
TR/9/79	Enlargement of bungalow to provide playroom bedroom untility room and bathroom	ApproveConditionally 07-03-1979
TR/15/80	Removal of condition 2 of planning permission TR/9/79 for the erection of a separate dwelling unit for in-laws	Approve 16-01-1981

None.

REPRESENTATIONS

Representations received:

Walberton Parish Council

Walberton Parish Council does not wish to object or comment.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The is no Made Neighbourhood plan for Walberton (Binsted).

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 located outside the built-up area where development is not normally considered to be acceptable under policy GEN3 unless it is in accordance with a policy in Sections 2 and 3 of the Plan referring to a specific use or type of development. In this case, the development accords with policy DEV19 and is therefore acceptable in principle.

It is therefore considered the main criteria against which the application must be assessed are contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities, also policies DDM1, DDM4 and DSP1 in the Arun Local Plan 2011-2031, Publication Version.

DESIGN AND VISUAL AMENITY
This application seeks planning permission for the development outlined in this report and will result in a limited change to the appearance of this dwelling. The extension will not be generally visible and is limited in scale an impact. The design and materials are sympathetic to the appearance of the existing dwelling. The proposed extension will be very much a secondary element to the main dwelling and it is not considered to be unduly intrusive visually or edetriment to visual.

It is therefore considered that the extensions/works are acceptable in visual amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan and policies

DDM1, DDM4 and DSP1 in the Arun Local Plan 2011-2031, Publication Version.

RESIDENTIAL AMENITY
Given the absence of nearby neighbours the proposed extension does not result in detriment to the amenity of surrounding occupiers by way of privacy loss or dominance in outlook.

PARKING
The dwelling presently has 3 to 4 car spaces and covered garage type structure. The level of provision for parking remains in accord with parking standards and policy for the dwelling as extended.

CONCLUSION
The proposed extension is considered not to result in any significant harm such that planning permission ought to be reasonably withheld.

It is therefore recommended that the application be 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 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

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 drawings:

Block plan, Scale 1:500 - Received with Application.
Drawing Number 0010/2 - Proposed Extension - Dated May 2015.
Proposed Roof Plan - Received with Application.

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 and roof 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 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

5 The existing trees and hedges shall be retained and shall not be damaged, destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and ecological quality and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

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 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

8 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from

Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.