

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

REF NO: WA/32/17/HH

LOCATION: Pound Cottage
The Street
Walberton

PROPOSAL: Demolition of existing garage & shed & erection of single storey rear & two storey side extensions.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the demolition of the existing garage and shed and the construction of a single storey rear extension; alteration of the existing two storey rear extension; and the construction of a two storey side extension.

The property has an existing two storey rear extension which features a first floor dormer window to the rear. The application proposes the alteration of this existing two storey extension with the eaves height being increased by approximately 1.4m; the height of the extension will increase by approximately 1.45m (above the height of the previously approved dormer); the proposed two storey rear extension alterations will also see the proposal situated 1.81m closer to the boundary than the existing dormer window.

The proposed single storey rear extension will measure approximately 4m in depth, with an eaves height of 3m and a maximum ridge height of 3.81m.

The proposed two storey side extension will measure approximately 3m in width, with an eaves height of 5m and a maximum ridge height of 7.75m.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The front boundary of the site consists of a 1m high brick wall with the rear and side

SITE CHARACTERISTICS

boundaries consisting of a mixture of flint walling, close boarded fencing and hedging.

The site is occupied by a two storey semi-detached property constructed from brick with tile hanging at first floor level. The property has a two storey rear extension previously approved under reference WA/16/03/.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

Planning permission was previously granted for a two storey rear extension under reference WA/16/03/.

REPRESENTATIONS

Representations received:

Walberton Parish Council

No objection - No comment

1 No. letter of objection;

- Proposal will result in loss of light and overshadowing.
- Proposal is overbearing and out of scale.
- Rear extension will occupy almost all of the rear garden

Comments on Representations received:

Comments noted and will be considered further in the conclusion to this report.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
GEN2
GEN7

[Publication Version of the Local](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design

Plan (October 2014):

Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
SD SP2 Built-Up Area Boundary
Design Guidance

Walberton Neighbourhood Plan Policy 2017
HP13

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.

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).

The Walberton Neighbourhood Plan has been made and policy HP13 is considered relevant to the determination of this application.

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 in that it would have a materially adverse impact upon the residential amenities of the adjoining properties.

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 application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in this case are considered to be GEN7 and DEV19 of the Arun District Local Plan;

policy HP13 of the Walberton Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed two storey side extension will be clearly visible within the street scene by virtue of its design and location. However, it is considered that the two storey side extension will not adversely impact upon the established character of the host dwelling or that of the wider locality. Although, the host dwelling is a semi-detached property it is considered that the proposal does not adversely impact upon the character of the semi-detached pair nor is it considered that the side extension will adversely impact upon the spatial pattern of the street scene. A separation distance of approximately 10.5m exists between the host dwelling and 2 Council Cottages to the west of the application site.

The proposed two storey rear extension by virtue of its location will be visible within the street scene when viewed from the west of the application site. However, it is considered that despite its mass and bulk that this element of the proposal will not have an unacceptably adverse impact upon the spatial pattern and character of the locality.

The proposed single storey rear extension will not be visible within the street scene and by virtue of its design is not considered to have an unacceptably adverse impact upon the established character of the host dwelling.

Therefore, the proposed development is deemed to accord with policies GEN7(ii) and DEV19(v) of the Arun District Local Plan and policy HP13 of the Walberton Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed two storey side extension by virtue of its location and design is not considered to result in any unacceptably adverse impact upon the residential amenity of neighbouring properties. The proposed side extension will measure approximately 2.71m to the west of the dwelling and 1.8m from the western boundary of the site with 2 Council Cottages situated 6m from this boundary. One window is proposed on the western elevation of the two storey side extension - however, it is considered that by virtue of its location it will overlook the front garden of the neighbouring property and as such will not give rise to any unacceptably adverse overlooking.

The proposed two storey and single storey rear extension are situated in close proximity to the western boundary of the site. The two storey extension will be situated approximately 1m from the western boundary with the single storey rear extension located 0.2m from this boundary. These elements of the proposal are not considered to give rise to any unacceptably adverse overlooking. However, by virtue of their size, mass and close proximity to the boundary of the site they are considered to have the potential to give rise to unacceptable overbearing impacts on neighbours.

The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously impact upon neighbours outlook or daylight. In this case the mid point has been taken from the neighbours window and the proposal has been found to conflict with this rule. The harm caused by the proposal is considered to be exacerbated by virtue of the single storey rear extension - although it is significantly lower than the two storey element measuring a maximum of 3.81m in height to the top of the parapet wall, it will extend 4m to the rear of the host dwelling in close proximity to the boundary. Therefore, it is considered that the cumulative impact of the proposed two storey and single storey extensions will result in unacceptable overbearing and

overshadowing impacts on Dean Cottage (to the east of the application site).

Therefore, it is considered that the proposed development will fail to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposal by virtue of the harm to the residential amenity of neighbours to the east of the application site is considered to conflict with relevant development plan policies and give rise to unacceptably adverse impacts to residential amenity. Therefore, the proposed development is recommended for refusal for the reason identified below.

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 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

- 1 The proposed two storey and single storey extensions by virtue of their height, bulk and close proximity to the boundary will have an unacceptable overbearing and overshadowing impact upon the neighbouring property, Dean Cottage, in conflict with policies GEN7 and DEV19 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 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 with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the

best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.