

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

REF NO: WA/35/22/HH

LOCATION: Midway
Avisford Park Road
Walberton
BN18 0AP

PROPOSAL: Single storey garden room extension to rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks single storey garden room rear extension.
----------------------------	--

RELEVANT SITE HISTORY

WA/9/22/HH	Single storey rear extension.	Withdrawn 12-04-22
WA/110/21/HH	Single storey rear extension.	Withdrawn 06-01-22
WA/3/15/HH	Replacement of existing open sided porch with new enclosed entrance porch.	ApproveConditionally 07-04-15
WA/1/07/	Small extension to first floor at rear of property and other minor alterations.	Withdrawn 15-03-07
WA/1/95	Provide extension to form sun lounge	ApproveConditionally 14-02-95

REPRESENTATIONS

Walberton Parish Council - No Objection.

1 No Objection received from nearby occupiers:

- No opposition to the extension in principle, rather the Blue Atlas Cedar Tree (T1) in their garden which

is covered by a TPO (TPO/WA/1/07). There is concern that the extension may damage its roots.

- The arboriculturists are still using an incorrect dimension for the diameter of the trunk in their survey (25% less than the actual diameter). No surveyor has asked to measure the tree, so it is assumed all measurements are estimated.
- The tree is shown some 90cm away from the building than in reality on the proposed floor plans. The subsequent calculations are based off faulty data.
- Damage will be caused to the tree if roots have to be cut. Concern regarding the stability of the tree if the roots are cut due to prevailing winds.
- The Block / Site Plan indicates the edge of the extension is 3.5m from the boundary. However, the actual boundary is defined by the yew hedge, meaning that Midway almost touches the boundary. This 3.5m is misleading.
- Surely the garden room could be moved to the western end of the existing conservatory, further from the tree.

T1 was visited and measured by the ADC Tree Officer, who confirmed the measurements were incorrect and needed rectifying. The agent provided revised documents with the correct data, which have been approved by the Tree Officer. Conditions have been added to ensure the tree is protected during construction.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer:

- The applicants have instructed their Arboricultural Consultant (Arbtech) to submit a revised Tree Protection Plan and AIA/MS (Table 4) RPA (Root Protection Area) Schedule, in response to our previous recommendation.
- Tree Survey data is now accurate and accords with the requirements of BS5837:2012, so we can understand the arboricultural impact of this development proposal.

Conclusion:

- The principle of development as described is achievable without undue detriment to retained trees provided there is adequate site supervision during sensitive work (within RPAs) by the project arboriculturist.

Recommended conditions have been applied.

ADC Drainage Engineers:

- Given the scale of the development and based on the assumption that the increase in impermeable area may be considered equivalent to what may be achieved under permitted development, the documents supplied as part of this application have not been assessed. We would stress the need to consider properly and bring to the applicant's attention, surface water disposal, especially in the Lidsey Treatment Catchment. If you would like a formal analysis of the application, with likely recommendations for pre-commencement conditions, then please get in touch within two weeks of this consultation, in the absence of a reply we will assume one is not required.

POLICY CONTEXT

Built Up Area Boundary
TPO

Lidsey Treatment Catchment
 WSCC Mineral Consultation Area
 A27 Arundel Bypass - 200m Buffer
 CIL Charging Zone 2

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Walberton Neighbourhood Plan Policy 2019-2031](#) Design Guidance [HP13](#)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan, additional guidance outlined in the Arun Design Guide is also considered.

Walberton has a 'made' Neighbourhood Development Plan of which policy HP13 is relevant. HP13 states that new development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location.

DESIGN AND VISUAL AMENITY

The proposal is situated to the rear of the property and will not be visible from the wider area.

The extension will provide a new garden room to the rear elevation of the property. This will measure 2.1m deep and 4.7m wide, with a flat roof joining to and matching that of the existing rear extension. Despite not matching the main roof, the extension will integrate sympathetically with the existing, and will have no adverse impact on the visual appearance or character of the property. Being to the rear, the proposal will not be visible from the street scene and will have no impact on the composition or appearance of the street. It is in keeping with the general character of the property and the locality, posing minimal risk of harm to visual amenity, and as such is acceptable.

The extension appears subservient to the design of the host and is well integrated. It will use materials matching that of the existing, ensuring there is minimal intrusion on the visual appearance or character of the property. It is appropriate in terms of scale and massing and will not unduly obtrude or dominate the host dwelling. The proposed does not negatively impact the character of the locality, being well designed for its context, and is in accord with policy HP13 of the Neighbourhood Plan.

Part M of the Arun Design Guide states rear extensions should respond to the distinctive characteristics of the building and surrounding area, preserve external garden amenity space and exploit opportunities

for innovative and contemporary design where appropriate. This proposal complies with this.

The development will have no adverse impact on visual amenity or the character of the area and is in accord with D DM1 and D DM4 of the Arun Local Plan, H13 of the Walberton Neighbourhood Plan, and Arun Design Guide.

RESIDENTIAL AMENITY

The proposal is single storey and will have a flat roof at a height of approximately 2.98m. This roof will incorporate a roof light, which will protrude slightly above the roof line, but will have no impact on residential amenity. It will retain approximately 6.5m to the west boundary, 47m to the south (rear) and 3.5m to the east. Given its location and proximity from neighbouring properties to either side, the proposal will not result in adverse overbearing or overshadowing and poses no risk of unacceptable harm to residential amenity. The extension accords with D DM4 of the Arun Local Plan.

In addition to the rooflights, the garden room will feature a set of windows to the west elevation and sliding doors and windows to the south. These features do not unduly overlook any neighbouring properties, given their location and situation on the ground floor, and pose little risk of harm to neighbouring privacy or amenity.

Part M of the Arun Design Guide states extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows. The proposal accords with these criteria and is respectful to the privacy and amenity of neighbouring properties.

The development will result in no adverse overbearing, overlooking, or overshadowing, and is in accord with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

TREES

There are two trees, T1 and T2, which are both at risk of impact from the proposed extension. T1, a Blue Atlas Cedar, is at greatest risk, being situated next to the proposal. This tree is covered by a TPO, and is of great visual amenity value, meaning its protection is of high priority. The applicant / agent has provided a Tree Protection Plan, showing the Root Protection Area, an Arboricultural Method Statement and Arboricultural Impact Assessment, all of which have been approved by the councils Tree Officer. Conditions will be applied to ensure that no harm comes to this tree as a result of the works, as recommended by the Tree Officer in his report.

T2 is situated a sufficient distance away from the proposal and is not at risk of unacceptable harm as a result of the development.

SUMMARY

The proposed development accords with development plan policies and is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL Liable.

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
- Block Plan
- Proposed Elevations HI/21/004
- Proposed Floor Plans HI/21/003 B
- Tree Protection Plan - TPP 01 Rev 01
- Arboricultural Impact Assessment - AIA 01 Rev 01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the Tree Protection Plan, dwg. no. Arbtech TPP 01, Rev 01, May 2022.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to

the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

4 All activity at the site is to be carried out in strict accordance with:

- Arboricultural Method Statement, Arbtech, AMS 01, Rev. 01, May 2022.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

5 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.