

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

REF NO: WA/59/15/HH

LOCATION: Cheriton
Barnham Lane
Walberton

PROPOSAL: Replacement of conservatory

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	413.3 m2
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A 2 metre close boarded fence and landscaped trellis to the shared side boundary with the neighbouring semi detached house to the north east, Westing House. 1 metre wire mesh fence to the rear boundary overlooking a public bridleway with open countryside beyond.
SITE CHARACTERISTICS	A two storey semi detached cottage style property with large back and side gardens on a triangular shaped plot in a residential area just beyond the built up area limits to the south of the village of Barnham in the countryside.

RELEVANT SITE HISTORY

WA/16/92 - Two storey side extension - Approved

REPRESENTATIONS

Representations received:

Walberton Parish Council

No objection

Comments on Representations received:

Noted

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
OUTS BUILT AREA
SPEC CONT ADVTS
CLASS C ROAD

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

Publication Version of the Local
Plan (October 2014):

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
National Planning Policy Framework

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 neighbourhood Plan in Walberton has not yet reached 'made' stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 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 are contained within the Arun District Local Plan policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY

The application seeks retrospective planning permission for the construction of a conventionally designed lean to roofed single storey rear conservatory.

The conservatory extends an existing conservatory on the dwellinghouse projecting a total of 4 metres from the rear elevation of the host property. A gap of 1.5 metres between the conservatory and the dividing boundary fence exists. The extension has an eaves height of 2.2 metres barely projecting above the shared boundary fence.

The extension as constructed cannot be seen from the street and matches in design the original conservatory on the property and is considered to be of a limited visual impact on the

neighbouring property.

The materials of construction are white PVCu frames, double glazing and a toughened glass roof with a 0.45 metre dwarf wall. The bricks match the existing property. The white UPVC matches the fenestration and door frames of the existing property.

The proposed conservatory in this in this application is deemed to be in accordance with Policies GEN7(ii) and DEV19(v) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The conservatory extension as constructed has a limited impact on the daylight, sunlight and privacy of the neighbouring property nor does it have an overbearing impact on it, because it is only marginally higher than the dividing 2 metre fence with trellised landscaping above, which runs along the boundary between the semi detached properties.

The only possible concern would be the impact of future occupiers constructing opening windows or doors in the north east facing side elevation of the conservatory , causing a sound nuisance to the neighbouring property. This potential harm to amenity could be mitigated by applying a condition ensuring fixed light glazing and no further openings in that elevation.

It is therefore considered that the proposal complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

CONCLUSION

Given the above it is recommended that the application is approved subject to the conditions below.

HUMAN RIGHTS ACT

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

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;

Replacement Conservatory dwg.no. 1 of 2 , 14/15, dated August 2015.
Replacement Conservatory dwg.no. 2 of 2 , 14/15, dated August 2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the north east elevation of the conservatory 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, DEV19 of the Arun District Local Plan.

- 3 **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.