

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

REF NO: WA/60/15/HH

LOCATION: 6 Nash Way
Walberton

PROPOSAL: First floor side extension (resubmission following WA/50/15/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a first floor extension to the side and rear to create 2 additional bedrooms. The extension would have a depth of 9m and a width of 4.3m.
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	1.8M close boarded fencing on boundary. Open frontage
SITE CHARACTERISTICS	Detached 2 storey dwelling with attached flat roofed garage to side and flat roofed porch area. Tile hanging at first floor. The dwelling has a similar appearance to the neighbouring property to the north
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design. The property is located at the end of a residential cul de sac

RELEVANT SITE HISTORY

WA/24/02/	Garage extension.	ApproveConditionally 17-05-2002
WA/50/15/HH	First floor side extension	Withdrawn 21-09-2015

REPRESENTATIONS

Representations received:

Walberton Parish Council

First Response - Objection - the proposal is not in keeping with the surrounding area.

Second Response - No Objection

One letter of objection - Loss of light to neighbour's windows serving utility/kitchen and dining room. Loss of privacy and seclusion, appears a balcony is included. Would create a claustrophobic atmosphere. Neighbour would be adversely affected by extension if they wished to extend similarly in the future. A gap of 3m should be provided between the edge of the extension and the boundary. Kitchen exhaust fan should be relocated.

Comments on Representations received:

The loss of light to the neighbour's side windows would not result in material harm. The windows either do not serve habitable rooms, are secondary or located an acceptable distance from the boundary. The first floor extension would be located 1m from the boundary and 6m from the dining room window which faces onto the boundary fencing and side wall of the garage already.

A Juliet balcony is proposed in the rear elevation which cannot be stood on. It would not increase the amount of overlooking above that which would result from an upstairs window and would not result in direct overlooking of neighbouring properties.

The kitchen fan is existing and does not form part of this planning application.

The proposal retains a 1m gap to the boundary which would prevent a terracing effect resulting in the future if the neighbour sought to extend above their garage too.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water - No Objection request informatives are added

Engineers - Request standard condition is imposed

Comments on Consultation responses:

Comments noted however the drainage condition is not necessary as drainage is considered as part of the building regulations application.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Open Plan Condition

DEVELOPMENT PLAN POLICIES

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

[Publication Version of the Local Plan \(October 2014\):](#)

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)
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

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.

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 extension of the existing dwelling is acceptable in principle subject to it being acceptable in terms of its impact on residential and visual amenity. The application has been amended since first submitted by reducing the ridge height and increasing the set back from the front elevation of the dwelling.

RESIDENTIAL AMENITY

The only property that would be affected by the proposal is no 7 to the north and an objection has been received from these neighbours. The extension is located to the side of the existing property at first floor above the flat roofed garage. It would retain a gap of 1m to the boundary and a gap of 6m to the side elevation of the neighbouring dwelling. Given the size, height and position of the extension it is not considered that the proposal would have a materially adverse overbearing or overlooking effect. A condition is suggested to ensure that no additional windows are provided in the side elevation of the extension which could result in adverse overlooking.

The amended plans show a reduction in height of the ridge of the extension which is now almost 1m below the ridge of the existing dwelling. The size of the gable has also been reduced to accommodate a set back of 1m from the front elevation of the dwelling. This has reduced harm to the outlook and overbearing impacts on the neighbouring property. It is now considered that there would be no materially adverse impact on the residential amenities of the neighbouring dwelling.

CHARACTER

The extensions and enlarged roof would be visible from the Nash Way to the front, but given the reductions made to the size of the extension and its set back position it is considered that it would appear subservient to the main dwelling. The materials are conditioned to match existing to ensure that the extension is fully integrated visually with the host dwelling and the design and form would be in keeping with the existing dwelling. The proposal is also set in 1m from the side boundary to ensure there would be no adverse impact on the character or pattern of the street scene.

CONCLUSION

It is therefore considered that the proposal complies with policy DEV19 of Arun District Local Plan and is recommended for approval subject to the following conditions

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 (the right to respect for 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 neutral 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).

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 6NAS-15 01, location and block plan 6NAS-15REV-A 01, Ground Floor 6NAS-15REVB A103, First Floor 6NAS-15REVB A104 and Proposed Elevations 6NAS-15REVB A102.

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 roofs of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No windows shall be constructed at first floor or above in the east or west elevations of the extension hereby permitted which adjoins the side boundaries with 5 and 7 Nash

Way without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk
- 6 INFORMATIVE: The applicant is advised to consider the consultation response from Southern Water which can be viewed on the Council's website.
- 7 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.