

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

REF NO: **WA/76/12/**

LOCATION: Spinneys
 West Walberton Lane
 Walberton

PROPOSAL: Ground floor rear and side extension with roof extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for ground floor rear extension to increase living area, roof extension for bedroom, study and ensuite with rear dormer. Front and rear rooflights. Tile to match existing and timber cladding.
SITE AREA	Approx 825sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Timber fences to side boundaries, front and rear boundaries open but marked by vegetation.
SITE CHARACTERISTICS	Application site is a detached one storey dwelling with side extension and detached single garage. Small creek in rear garden.
CHARACTER OF LOCALITY	Application site is surrounded by detached one and two storey dwellings which are set well back from the highway. Wandleys Farm to rear.

RELEVANT SITE HISTORY

WA/8/56	Outline for four dwellings	Approve Conditionally 16-07-1956
WA/3/57	Bungalow and garage	Approve Conditionally 15-04-1957
WA/48/78/B	Bedroom extension	Passed 07-09-1978

REPRESENTATIONS

Representations received:

Walberton Parish Council

- No objection.

One letter of objection:

- The extensions and alterations are out of proportion to the existing building.
- Visually prominent and obtrusive and will have an adverse effect on adjoining properties.
- Significant adverse effect on the local environment including wildlife and drainage, both natural and man made.

Comments on Representations received:

- The proposed extension is not considered to be out of proportion with the existing building. The roof extension does increase the overall height of the dwelling but does not result in an unacceptable built form.
- The subject dwelling is set back 22 metres from the front boundary of the property and behind a screen of vegetation. The extensions are not considered to be obtrusive or prominent.
- Potential drainage impacts are dealt with by Building Regulations.

CONSULTATIONS

Southern Water Planning
Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water

- Request a formal application for connection to a public sewer to be made.

Engineers (Fluvial Flooding)

- Although a watercourse passes through the site, the applicant must investigate a SuDS system (Sustainable Urban Drainage System) for surface water disposal, ie. soakage structures, prior to investigating any connection to the adjacent watercourse. No surface water is to be discharged to the public foul sewerage system.

Comments on Consultation responses:

Southern Water

- The proposal is for an extension to an existing dwelling. It is unnecessary to require a new sewer connection and the dwelling should continue to use the existing disposal system.

Engineers (Fluvial Flooding)

- The issues raised are dealt with by Building Regulations and a condition is not required.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
No public sewer
Drainage area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN3](#)
[GEN7](#)
[GEN9](#)
[DEV19](#)

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Foul and Surface Water Drainage
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 policy DEV19(ii), in that the extension by reason of size and design is not subservient to the existing dwelling, but does not cause harm to any neighbouring properties or the character of the area. The proposal is considered to comply with all other 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 other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background, namely that despite a non-compliance with policy DEV19(ii) of the Arun District Local Plan, the proposal causes no materially adverse impact to neighbouring properties or the character of the area and is acceptable in this instance.

CONCLUSIONS

PRINCIPLE

The application site is located outside the built up area boundary. Policy GEN3 states that outside the built up area boundary development will not be permitted unless it is in accordance with a Policy of the plan referring to a specific development. DEV19 refers to extensions to existing residential buildings and despite a conflict with policy DEV19(ii) as the proposal is not subservient to the existing dwelling, the proposal does not result in a materially adverse impact to neighbouring properties or the character of the surrounding area and is generally in accordance with the policy as discussed below.

GEN7 THE FORM OF NEW DEVELOPMENT

The proposal responds to the characteristics of the site and will not have an unacceptable impact on neighbouring properties. Acceptable in regard to policy.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

VISUAL AMENITY

The proposal sympathetically relates to and is integrated with the existing building. The design, form and scale are not unacceptable with regard to the existing dwelling. The siting of the extension to the rear of the dwelling and within an enlarged roofspace over the existing dwelling is acceptable. The proposed cladding, face brick and tiles will match existing and are acceptable.

The proposals increase the floor space of the dwelling from 94sqm to 169.2sqm, an increase of 75.2sqm or 80% and alters the appearance from a single storey bungalow to a larger dwelling. The proposal is therefore not subservient and in conflict with policy DEV19(ii). 40sqm of proposed floor space is located within the enlarged roof. The proposals, despite their size, will not have a materially adverse effect on any neighbouring property or the character of the area and are acceptable in this instance.

The proposed extensions do not compromise the established spatial character or pattern of the street. There is little uniformity in dwelling form and setbacks due to the nature of the area.

RESIDENTIAL AMENITY

The proposed new openings to the front and rear elevations do not look into any adjoining property. The proposed opening on the side (eastern) elevation at first floor level serves the reading gallery and is located 3.8m from the side boundary and 7.8m from the neighbouring dwelling Stanstead. There is foliage on the boundary with Stanstead at a height of 3-4m, and the facing elevation at Stanstead has no openings. The proposal will not result in an adverse effect to neighbouring properties as a result of overlooking in this instance.

The subject dwelling as extended is located 9m from the dwelling at Brookside to the west, 7.8m from the dwelling at Stanstead to the east, 22m from the front boundary and 27m from the rear boundary. The proposed dwelling has a height of 6.1m. Due to the separation distances an adverse effect will not occur to any neighbouring property as a result of overshadowing.

The proposed extended dwelling is set back from the boundaries and contains much of the additional floor space within the roof as opposed to constructing a second storey. The application site is also screened by vegetation which will soften the appearance. The proposal is not considered to result in an adverse effect as a result of overbearing to any neighbouring property.

SUMMARY

The proposal is therefore considered acceptable in regard to relevant policies and is recommended for approval subject to 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 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

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 plans: 1088.1A, 1088.2A and 1088.4A dated January 2013; and 1088.3 dated November 2012.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 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 buildings.

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

- 4 INFORMATIVE: Southern Water

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss this matter further with Atkins Ltd, Anglo St. James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688).

Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical Measures to Reduce the Potential Impacts of Development". Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

5 **INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010**

SUMMARY

This planning permission is granted because it complies with the policies listed below. The proposal conflicts with DEV19(ii) however, the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN3, GEN7, GEN9, (DEV19)

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

6 **INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.**