

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

REF NO: WA/91/17/HH

LOCATION: 9 Orchard Way
Fontwell
BN18 0SH

PROPOSAL: Single storey rear extension with flat roof & small mansard roof & replace flat roof over garage with pitched gable ended roof with barn end (resubmission following WA/60/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect a single storey rear extension and replace the flat roof over the garage with a barn-ended pitched gable ended roof.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high fencing to rear and side elevations of the property. The road facing elevation is open plan.
SITE CHARACTERISTICS	The site is populated by a detached chalet bungalow.
CHARACTER OF LOCALITY	The locality is host to a mix of housing styles and types.

RELEVANT SITE HISTORY

WA/5/55	Bungalow And Garage	Approve 02-03-55
WA/60/17/HH	Rear extension, garage with a pitched gable ended roof	ApproveConditionally 19-10-17
WA/4/91	Enlargement of roof space to provide guest bedroom , toilet facility and study	ApproveConditionally 18-03-91

Site history noted. Especially with reference to recent applicaton WA/60/17/HH.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Parish Council - No comment.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers - Recommend that condition ENG2A is applied to the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the condition will be applied.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN2	Built-up Area Boundary
DEV19	Extensions to existing residential buildings

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

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

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 and is 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.

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 has taking place. 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. The examination was completed in September 2017.

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. 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.

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).

Walberton Parish does have a 'made' neighbourhood development plan, of which policy HP13 is deemed to be relevant and has been taken into account.

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 application site is situated within the built up area boundary where the the principle of development is acceptable subject to accordance with relevant development plan polcies. In this case, key polcies are considered to be GEN7 and DEV19 of the Arun District Council Local Plan and HP13 of the Walberton neighbourhood development plan.

DESIGN AND VISUAL AMENITY

The proposed rear extension by virtue of its location is not visible from the street scene. This is due to the location being at the rear of the house, and the current boundary treatment allowing no views to this area. As a result of this, it is not considered to have an unacceptably adverse impact on the established spatial pattern of the locality.

The rear extension is deemed to be subservient to the host dwelling, due to its scale and design. Therefore, it has no significant impact on the street scene and retains the character of the building as a bungalow, and the character of the area, in accordance with DEV19, and GEN7 of the Arun District Council Local Plan and HP13 of the Walberton Neighbourhood plan.

The extension over the garage will be visible fom the street scene and whilst it comprises a significant change to the character of the existing property it is considered to have an acceptable impact on the character and appearance of the locality. This is due to there being dwellings with similar properties in the area, including 10 Orchard Way and 6 Orchard Way. As such the proposal is deemed to be in keeping with the established chatacer of the area with the proposed materials to match the existing dwelling,

Therefore the proposal is deemed to be in accordance with GEN7 and DEV19 of the Arun District Council Local Plan and HP13 of the Walberton neighbourhood development plan in terms of design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

Due to the addition of a window on the East side of the property and two skylights, there is potential for overlooking into the property at number 7 Orchard Way. However, it will be conditioned that the windows on the East elevation will be obscure glazed and non-opening under 1.7m. The proposed rear extension is largely replacing a single storey one that already exists, so there is not deemed to be a significant change in the impact on neighbouring residential amenity.

The proposal is therefore deemed to accord with policies GEN7(iv) and DEV19(iv) of the Arun District Council Plan, and is acceptable in terms of residential amenity.

SURFACE WATER DRAINAGE & FLOODING

The Council's drainage engineers have deemed that the proposal will lead to a significant increase in the amount of surface water runoff, and therefore there is risk of surface water flooding. As such, the relevant condition ENGD2A will be applied.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following 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 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 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.

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:
 - Elevations - 4th August 2017 - 1710221/PL/1
 - Floor & Roof Plans - 4th August 2017 - 1710221/PL/3
 - Elevation - 4th August 2017 - 1710221/PL/2
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 two velux windows and dormer window in the Western elevation of the building shall at all times be and remain glazed entirely with obscure glass and non-opening under 1.7m.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 4 The materials and finishes of the external walls and roofs of the development 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.

- 5 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 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.

- 7 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.