

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

REF NO: WA/92/20/HH

LOCATION: 1 Fontwell Close
Walberton
BN18 0SW

PROPOSAL: Retention of single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks the retrospective approval for a single storey flat roof rear extension, measuring approximately 5.2m in length and 3.1m wide.

The application is required as a result of condition 5 to previous permission ref WA/70/88 which states that: 'Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 the dwellings and garages hereby permitted shall not be altered or extended without the prior permission of the Local Planning Authority on an application in that behalf.'

RELEVANT SITE HISTORY

ENF/302/20 Alleged unauthorised single storey rear extension

REPRESENTATIONS

Two representations from interested parties were received. Their concerns were as follows;

- Use of the building
- Notices not being displayed correctly
- Encroachment on neighbouring property
- Loss of privacy

These comments have been noted and will be considered as part of this report.

CONSULTATION RESPONSES RECEIVED:

Walberton Parish Council - No Objection

POLICY CONTEXT

Designation applicable to site:

Lidsey Catchment Area
WSSC Mineral Consultation Area

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 2017 HP13 Design Guidance

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy HP 13 of the Walberton Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HP 13 of the Walberton Neighbourhood Development Plan sets out general principles for development within the Parish, stating that new development must be of high-quality design and must contribute to local character and create a sense of place.

Key Areas of concern;

- Design and Visual Amenity
- Overbearing, Over shadowing - impact to host dwelling and neighbours

DESIGN and VISUAL AMENITY

This application seeks retain a single storey rear extension, which was rebuilt following a fire which destroyed a previous timber storage building. The Southern and Eastern elevations of the extension sit between 150mm -100mm from their respective boundaries, since the fire the boundary fence with No. 2 has not been replaced as such the extension now forms part of the boundary treatment. The structure has been clad with timber and as such looks like a standard garden outbuilding. Additionally, the structure cannot be seen from the highway due to it positioning in the rear garden and the mature hedging on the plot of land to the West of the dwelling. The proposed development is considered to be in accordance with policies D DM1, D DM4(a) and (b) of the Arun Local Plan.

OVERBEARING & OVERSHADDOWING

The extension protrudes from the rear of the existing garage by 5.2m and is a maximum of 2.4m tall

sloping down towards the boundary it shares with No. 2, to approximately 2.25m. The eaves of the structure are lower than those of the host dwelling. As a result, it is thought that the scale of the extension is in keeping with the scale of the host dwelling. The only fenestration proposed is to the western elevation of the new structure, these provide views/access onto the private amenity space of the host dwelling. As a consequence, it is not believed that any privacy issues have arisen from the development. No.1 alongside its link attached neighbour to the East, are sited with South facing rear gardens, as such it is considered that the new extension will not cause any excessive overshadowing. It is for these reasons that it is considered the development accords with policy DDM1 and DDM4 of the Arun Local Plan.

The representation received have been noted when considering this application. It was considered that they were largely private matters and not a consideration for the planning system. The site notice is evidenced as being served in the correct manner. Objections regarding the loss of privacy have been dealt with above.

SUMMARY

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

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 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans ;
-FTW A101
-FTW A102

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 and DDM4 of the Arun Local Plan.

- 2 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.