

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

REF NO: WA/93/17/HH

LOCATION: 23 Oaktree Cottages
Barnham Lane
Walberton
BN18 0AY

PROPOSAL: Rear first floor extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed extension would measure approximately 3.85m deep (max), 4.4m wide and 7.2m high (max). The proposed extension would be 3.35m deep from the rear elevation of the main house. In addition the roof of the remainder of the existing single storey rear extension is changed to a lean to roof giving a height of 3.4m with a roof light in the roofslope. The proposed first extension is built over the existing single storey extension and overhangs this extension by 0.4m at the rear. Materials would match the existing property.
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	The site frontage has a low fence approximately 1m high. To the rear there is timber fencing approximately 1.8m high.
SITE CHARACTERISTICS	The site is occupied by a semi detached two storey dwelling constructed of render beneath a tile roof. The property is set on a reasonable sized plot.
CHARACTER OF LOCALITY	Primarily residential. The site is located off a Class C Road within the built-up area which is bordered by similar semidetached two-storey dwellings. There is an access road of the main road in front of the site and also a garage block to the rear.

RELEVANT SITE HISTORY

There is no relevant planning history.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

Walberton Parish Council has no objection

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

The Council's Drainage Engineer recommends a condition to any permission.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and a condition is proposed on the planning permission.

POLICY CONTEXT

Designation applicable to site:

Built up area

Class C Road

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
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
SD SP2	Built -Up Area Boundary

[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. Consultation on the proposed modifications ended mid February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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).

The relevant policy in the Walberton Parish Council Neighbourhood Plan 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

The dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The first floor extension, which has been designed to overhang the existing rear extension at the rear. The proposed extension does not extend beyond the side elevation of the existing single storey extension. The proposed extension has a gable roof which rises above the line of the existing hipped roof. This means the proposed extension would be visible from the street. However, it is set slightly away from the hipped roof by a small lower pitched roof. This set back allows the extension not to be unduly dominant when viewed from the front. When viewed from the rear including the garage block the extension also appears subservient to the main house. Furthermore, the overall design including the overhang is considered acceptable. The proposed development retains the existing garden area.

The lean to roof on the remainder of the single storey extension is also considered acceptable. The proposed materials would match the existing property.

Therefore, it is considered that the proposed development would not be harmful to the character and appearance of the host property or the wider area.

With regard to the amenity of adjoining occupiers the properties. The proposed lean to roof is not considered harmful to the residential amenity of the adjoining occupiers at No.24. Furthermore, given the distance to the boundary with No.24, 2.2m, the proposed first floor extension is not considered harmful to the amenity of the occupants of No.24. With regard to No.22 the proposed first floor extension would be sited approximately 2m from the side boundary. The proposed extension will not infringe a 45 degree line from the nearest window at No.22 and no windows are proposed in the side elevation, this latter point can also be secured by a condition to ensure any future openings would be subject to the approval of the Council. The same restriction would apply to the wall of the proposed development facing no. 24. Therefore, the proposed development is not considered harmful to the residential amenity of the occupiers of No.22 or 24.

Therefore, in summary, it is considered that there would be no unacceptable adverse harm to the living conditions of neighbouring properties, to the character and appearance of the host property nor the area it is located in. As such the proposal would be comply to adopted planning policies in the Arun Local Plan 2003 and the Walberton Neighbourhood Plan.

Therefore, the application is recommended for approval subject to the following conditions.

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 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 1609-01, 1609-02, 1609-03, 1609-04, 1609-05, 1609-06 & 1609-07

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 roof 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 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 shall be formed in the north west or south west wall of the first floor extension, facing No.22 & 24 Oaktree Cottages, 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.

- 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.