

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

REF NO: Y/17/19/HH

LOCATION: 8 Mill View Road
Yapton
BN18 0JL

PROPOSAL: Two storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a two storey extension to the rear of the property which reduces to single storey to the western side.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council provided no objection

No representation received from nearby occupiers.

CONSULTATIONS

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage) - Request condition is included relating to surface water drainage.

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICES

[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
SDSP2	SD SP2 Built-up Area Boundary

[Yapton neighbourhood plan 2014 Policy BB1](#) Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

Policy D DM1 sets out 13 design aspects 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 locality.

Policy DSP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Yapton has a 'made' Neighbourhood Plan with BB1 of relevance to the application. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY

The proposal seeks to construct a two storey extension to the rear of the property which will reduce to single storey to the western side elevation. The rear part of the extension is not visible from the road and therefore only the side extension would be seen however with it set back from the road frontage and with boundary treatment in place views are limited.

The development as a result of the increase in bulk will create an addition that is not subordinate to the original dwellinghouse and in conflict with D DM4(b) of the Arun Local Plan. However, it is to be constructed of matching materials which helps its integration with the host dwelling.

Whilst the extension adds significant bulk to the rear of the property as a result of its siting, it is considered that the proposed rear extension has no significantly detrimental impact upon the wider locality of the area in itself, as there are few viewpoints of this aspect of the application from the street scene and as such it is accordance with DDM1 and DDM4 (a) and (e) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The two storey extension will have a depth of 4m and run along the full rear elevation. It will then reduce in height to a maximum of 2.7m with a lean to roof and extend a further 1.05m beyond the side elevation. The two storey element will have a hipped roof to a height of 6.1m to the ridge and eaves to 4.8m to match the host dwelling.

It is acknowledged that the neighbouring property at No.7 has a large extension which is around 1 and a half storeys in height however a similar application for a two storey rear and side extension was refused in this location in 2017.

The council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously impact upon neighbours outlook or daylight. In this instance the mid point has been taken of the neighbours window at first floor level and the proposed two storey extension conflicts with this rule.

As such it is considered that the proposed two storey extension would have an unacceptably adverse overbearing impact upon the first floor bedroom of No.7 Mill View Road. This is resultant of its failure to comply with the 45 degree rule and its close proximity to the first floor bedroom window, leading to an unduly dominant and overbearing impact and a loss of outlook to the occupiers of No.7.

To the western elevation the neighbouring property has a rear extension with a side window facing the host dwelling. Whilst the extension does reduce to single storey at this elevation, the window is likely to be impacted as a result of the depth of the two storey development and subsequently result in an overbearing impact.

It is considered that by virtue of the proposals increase in height and depth the proposed development would be overly dominating and lead to a loss of outlook upon the neighbouring occupiers. Therefore, as a whole, the proposed development is considered to be significantly harmful to the amenity of the adjoining occupiers. As such, the proposed development is deemed to conflict with policies DDM1 and DDM4 (c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to be in conflict with relevant development plan policies and as such is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 Due to the size and siting of the two storey rear extension it is considered that the development will be unduly dominant upon and lead to an overbearing and unneighbourly

feature leading to a loss of outlook to the occupiers of No.7 Mill View Road. As such, the development conflicts with policies D DM1 (3) and D DM4 (c) 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.