

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

REF NO: Y/41/21/HH

LOCATION: Ferndale House
 Burndell Road
 Yapton
 BN18 0HT

PROPOSAL: Demolition of single storey side extension and two storey rear extension. Erection of new two storey side / rear extension. Insertion of projecting rear dormer window and rooflights to front and rear. Erection of front boundary low wall and gates.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
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REPRESENTATIONS

Yapton Parish Council: No objection but concerns over the historic integrity being diluted or eroded. If approved conditions added that ensure the scheme stays appropriate to plot size.

No representation from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
 Lidsey Treatment Catchment
 Tree Preservation Orders
 Locally Listed Building
 WSCC Mineral Consultation
 Within the Built Up Area Boundary

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
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

[Yapton neighbourhood plan 2014 Policy E9](#)

Listed Buildings and Buildings or Structures of

Character

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1, D DM4 and HER DM2 of the Arun Local Plan. Additionally, Policy E9 of the Yapton Neighbourhood 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 HER DM2 sets out criteria for which applications to Locally Listed Buildings or Structures of Character. They seek to ensure works to the buildings make a positive contribution to the local distinctiveness.

Policy E9 Policy of the Yapton Neighbourhood Plan explains planning permission will not be granted for development that would result in the loss of either listed buildings, or the buildings or structures of character set out in Appendix 1 and Appendix 2 of the Plan

DESIGN AND VISUAL AMENITY

The proposal will be located to the side and rear of the dwelling and will be visible to the street scene of Burndell Road and the wider area, therefore it will have an impact on the character and appearance of the area.

The large scale of this development had resulted in issues relating to the close proximity to the boundary, leaving only 2.1m to the boundary. This is not enough to avoid the overbearing and overlooking impact on the neighbouring property. Furthermore the proposed scheme is considered to cause overshadowing of the neighbour resultant of the lack of distance between the proposal and the boundary. Due to the large scale and design of the extensions they do not appear subservient to, or well integrated with the dwelling which is a locally listed building.

The side extension will be widely visible from the street scene and the flat roofed nature of the scheme conflicts with section M of the Arun Design Guide due to the unacceptably harmful impact on the heritage asset. With a building locally listed special care needs to be taken to ensure the preservation of the heritage asset. Whilst the scheme will update the property and make it more modern the scheme is considered to conflict with Policies D DM1, D DM4 and HER DM2 of the Arun Local Plan. The scheme will comply with policy E9 of the Yapton Neighbourhood Plan due to the scheme being to extend the

existing with materials that from the public realm will match that of the existing.

Section M, referring to householder extensions states extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing. It is considered this is not achieved through this scheme, with the addition significantly harming the host dwelling.

The proposal results in a harmful impact on the host dwelling, and as such, it conflicts with D DM1, D DM4(a), (b) and (e) and HER DM2 of the Arun Local Plan and J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and within the settlement character areas identified in section C.06 of the Design Guide.

RESIDENTIAL AMENITY

This proposal is to the side and rear of the locally listed building. The neighbouring property is located close to the west boundary, with the extension encroaching to within 2.2m of the boundary this will have an impact on the neighbouring property. The new side extension is a significant extension which creates a lot of bulk to the side and rear of the dwelling.

The large scale nature of the proposal is considered to cause an overbearing impact to the neighbouring property to the west. This is due to the significant increase in height near the boundary and the single storey nature of the neighbouring property. Whilst there is some screening on the boundary which will mitigate some of the overlooking and overbearing the boundary foliage is not considered to reduce the level of impact to an extent which would be cause for the application to be approved.

Part M of the Arun Design Guide explains that proposals should preserve the amenity of the original and neighbouring property in regards to overlooking, overbearing and overshadowing. The proposal of is considered to conflict with this due to the separation distance, design and the scale of the proposed.

The development conflicts with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The development is not deemed to accord 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.

CIL DETAILS

This application is CIL Liable.

RECOMMENDATION

REFUSE

- 1 The development due to the height, length and siting and size resulting in an unneighbourly and unacceptable overbearing effect on the occupiers Ferndale Cottage contrary to policies D DM1 and D DM4 of the Arun Local Plan.
- 2 The design, size and lack of subservience to the dwelling causes harm to the locally listed building in conflict with HER DM2 of the Arun Local Plan.
- 3 **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.