

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

REF NO: Y/50/15/HH

LOCATION: Meadow Cottage
Hoe Lane
Flansham

PROPOSAL: Two storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The side extension will extend the dwelling on its western side. Although stated to be a two storey extension, it is really only a 1.5 storey extension as the first floor accommodation will be contained within the roof which will not exceed the existing ridge line. Materials are proposed to match.

TOPOGRAPHY

Predominantly flat.

TREES

The proposed extension will result in the loss of several shrubs but will not harm any significant trees.

BOUNDARY TREATMENT

Ranch style fence supplemented by a hedge and boundary tree planting.

SITE CHARACTERISTICS

Existing side/rear garden with a small ornamental pond. The garden is quite overgrown in this area as evidenced by the existing shed to the west of the bungalow which is almost entirely covered by a shrub. The existing dwelling is single storey in cream painted brick, tiles and white weather boarding.

CHARACTER OF LOCALITY

Semi-rural area with residential properties on both sides of Hoe Lane. Fields to the immediate west and North.

RELEVANT SITE HISTORY

Y/54/95	Alterations and extensions to provide additional rooms and double garage	ApproveConditionally 09-02-1996
Y/23/99/	Single storey domestic extension to form two bedrooms	ApproveConditionally 09-06-1999
Y/12/01/	Front porch extension	ApproveConditionally

01-05-2001

None.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Yapton Parish Council - no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Engineers (Fluvial Flooding)

Engineering Services Manager

Arboriculturist

Consultations responses received:

ADC Drainage Engineer - "Infiltration should be investigated for surface water drainage for new roof areas. Please apply standard conditions ENGD2A"

ADC Arboriculturist - No objection subject to conditions. Full comments below:

"This application refers the erection of a two story extension to the north western corner of the stated dwelling. From the submitted application this proposed extension does appear to require the removal of a number of shrubs. These shrubs are not suitable for TPO orders (due to their given

stem diameters being too small to be assessed for protection). The applicant has indicated on the submitted application no intention of felling any of the established trees on site to facilitate the proposed extension.

The other trees that may be affected by this extension are located along the southern boundary of the site. From the site inspection it is clear that the established trees have had previous reductions. These reductions appear to be of a 'topping' practise - which

is not an action that is undertaken currently, as it does contravene the BS 3998:2010. This practise has also devalued the aesthetic value offered by this linear belt and is also likely to have reduced the expected lifespan of these trees, as failures of major limbs is more common.

For the duration of this development the installation of ground protection to protect the southern belt of trees Root protection area (RPA) should be used. This ground protection is used to prevent

compaction and or spillages occurring in the given RPA areas."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary; and
Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN3
GEN7
GEN9

Publication Version of the Local
Plan (October 2014):

Extensions to existing residential buildings
Protection of the Countryside
The Form of New Development
Foul and Surface Water Drainage
C SP1 Countryside
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
W DM3 Sustainable Urban Drainage
Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Yapton Neighbourhood Development Plan has been made but in this instance it is not considered that there are any relevant policies that apply.

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 proposed extension is to the western end of the existing house. It will be single storey to the same height as the existing dwelling but will introduce a room in the roof. The extension will extend out across part of the existing garden and result in the loss of a domestic pond.

There is only a field to the west and therefore the extension will not impact on any neighbouring properties. Furthermore, the dwelling plot is well screened to the front and sides and as such there will be no noticeable impact on the streetscene. The extension is not subservient to the existing house but instead matches with its height. The proposed dormer however is a well designed subservient feature and will not alter the character of the dwelling in such a way as to be harmful.

The loss of the pond is regrettable in terms of lost wildlife habitat but it is a domestic man made pond and it is not considered appropriate to require a biodiversity survey. An informative will be added to ensure the applicant is aware of the laws around protected species. The proposal does also remove an area of garden but there will be plenty of garden left.

It is noted that the site lies in the Lidsey Treatment Catchment Area and that therefore the requested surface water drainage condition is appropriate. However, it is considered also that this extension could be erected under permitted development rights on the basis that although described as a two storey extension, it is clearly only single storey in height. Therefore, it is not considered that permission is actually required and on this basis, the surface water drainage condition is too onerous especially as surface water drainage will be dealt with by Building Control.

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:

Location Plan Ref ADS-001P;
Site Plan Ref ADS-002P;
Ground Floor Plan Ref ADS-003P;
Proposed Ground & first Floor Plans Ref ADS-005P;
Existing Elevations Ref ADS-004P;
Proposed Elevations Ref ADS-006P; and
Roof Plan Ref ADS-007P.

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 No development shall take place on the site unless and until all of the existing trees/hedges to be retained on the site have been protected by the installation of appropriate ground protection in accordance with BS5837 (2012). The location and design of the temporary ground protection must be shown on the tree protection plan and detailed within an arboricultural method statement which shall be submitted to and approved by the Local Planning Authority prior to installation on the site. The ground protection shall then be checked on site by the Councils Arboricultural Officer and shall then be retained for the duration of the development works.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 5 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.
- 6 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.