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

REF NO: **Y/51/14/HH**

LOCATION: 12 Gladstone Road
Yapton

PROPOSAL: Rear & side extension with front porch

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed front porch and side extension measures approximately 5.3m (maximum) in width, depth of 8.2m with a maximum height of 3.5m. The rear conservatory measures approximately 5.3m in width, depth of 3.4m with a maximum height of 3m.
SITE AREA	Approximately 378 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, rear has elevations of outbuilding, side boundary with No 10 side flank wall of garage, wall approximately 2.4m then wall + close boarded fencing 1.5m, side boundary with No 14 close boarded fencing 1.8m + shrubs/hedging.
SITE CHARACTERISTICS	Detached two storey dwelling with two storey extension and single storey rear extension. Outbuilding on rear boundary. The property has red brickwork on the front, red brickwork on the lower level on the rear with white smooth render on the upper level, white window frames with a red tiled roof.
CHARACTER OF LOCALITY	Residential cul-de-sac with open fields to the south. Semi-detached properties of similar style, many of which have been extended with front porches, side and rear extensions.

RELEVANT SITE HISTORY

Y/55/90	Single and two storey extension to form kitchen/ dining room and bedroom.	ApproveConditionally

		17-09-1990
Y/49/95	Conservatory, garage extension and porch.	ApproveConditionally 29-12-1995
PAA/45/14/	Single storey side extension with new rear conservatory	Approve Pre App 11-04-2014

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

The applicant has not stated details of means of disposal of foul and surface water drainage from the site.

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer.

We request that should this application receive planning approval an informative is attached to the consent regarding connection to the public sewerage system.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings D SP1 Design SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

· the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

· the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

· the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters policies have been published.

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 application seeks to construct a porch, side extension and rear extension.

The semi-detached property has an open area on the northern side and the single storey extension will project out from the front flank wall of the dwelling by 1m to create a porch and will exend along the side elevation of the dwelling. A conservatory is proposed and this will be sited to the rear of the extension with a width of 5.3m, rear projection of 3.4m and a height of 3m. A previous application Y/49/95 for a conservatory, garage extension and porch which was of a similar design and height was never implemented.

With regard to residential amenity the immediate property to the north No 10 has a single storey front extension. It also has a flat roof garage extension that is sited to the boundary with No 12 and extends along the side elevation with a conservatory on the rear. The conservatory is set behind a 2.4m wall and the proposed side extension will not be visible above the garage. The proposed conservatory which is sited to the rear of the extension has a glazed roof which slopes away from the boundary with No 10 and will be visible above the boundary wall. The Council as a rule in determining planning applications have adopted a 45 degree rule which is used 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 affect a neighbour's outlook or daylight. In this instance the 45 degree line has been taken from the middle point of the patio doors on the rear conservatory of No 10 and is short of this rule. However, with the roof being substantially glazed and sloping away from the boundary it is not considered to be of an unacceptable level to recommend refusal.

The proposal is considered to be visually subservient to the host dwelling in terms of its size and height. Nos 7, 9, 10 and 14 have front porches so it is considered that the front extension would be in keeping with the character and appearance of the street scene. It would not have a significant impact on the visual amenities of the localty, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended to approve the application, subject to conditions.

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 for 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 a neutral impact has 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).

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 1:1250 Drg No ADS-001 dt 2.5.14, Site 1:200 Drg No ADS-002 dt 2.5.14, Proposed Floor/Ellevations 1:100 Drg No ADS-004 Rev B dt 6.5.14, Roof 1:200 Drg No ADS-005 dt 2.5.14 received on 10th June 2014.

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 front 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 INFORMATIVE: Whilst it would appear from the application that the proposed development is entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over neighbouring property.

5 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.