

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

REF NO: Y/75/17/HH

LOCATION: 7 Mill View Road
Yapton
BN18 0JL

PROPOSAL: Erection of first floor over existing side and rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed rear extension measures 3.3m deep from the rear wall of the main house, 7.5m wide and 5.9m high with a dummy pitch roof. The rear extension wraps around the side of the property and this part of the scheme is 5.6 m long, 1.6m wide & 5.9m high with dummy pitch roof. Materials would be brick and block render, clay tiles and flat roof.
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	Close boarded fencing approximately 1.5m high to front and western (side) boundary, brick wall approximately 1m high to eastern (side) boundary.
SITE CHARACTERISTICS	The site is a two storey semi-detached dwelling, with brick faced and part rendered elevations. The roof is hipped with plain tiles and the windows are white upvc. The property has an existing single storey rear and side extension and a lean to front porch extension.
CHARACTER OF LOCALITY	The site is located on a residential road of properties of a similar style.

RELEVANT SITE HISTORY

Y/3/49	Addition	Approve 12-03-49
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REPORT(ODB)

Y/42/09/	Two storey front extension	ApproveConditionally 07-09-09
Y/62/05/	Single storey side and rear extension.	ApproveConditionally 16-09-05

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council have no objections

Two representations were received in response to public consultation, summarised as follows:

The proposed first floor extension would overshadow property.

Significantly reduce the level of daylight/sunlight into the rear windows and back garden.

Overlook the back garden and loss of privacy privacy.

Overbearing and out of scale for the original property.

No similar houses in the road have a full width two storey extension and create an unwelcome precedent.

The submitted plans are difficult to read and there are no dimensions.

The Block Plan drawing showing distances to boundaries is incorrect. As the existing ground floor extension extends to the boundary line the proposed extension will not be 200mm from the boundary as shown on the drawing.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and addressed in the conclusions below. However, the plans are to a reasonable scale to allow an assessment to be made.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

The Council's drainage engineer recommends conditions to any permission.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area

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

Yapton neighbourhood plan 2014 Policy BB1 Built-up Area Boundary

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. There is currently a six week period of consultation on modifications to the plan which is due to end in mid-February.

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

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).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, and 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 site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are deemed to be GEN7 and DEV19 of the Arun District Local Plan; Policy BB1 of the Yapton Neighbourhood Plan; and the National Planning Policy Framework.

The proposed rear and side extension would be constructed on top of the existing single storey extension. This would retain approximately 10m garden depth. The proposed extension would be built up to the boundary with No.8 to the north west and approximately 1m from the boundary with No.6 to the south east. The rear extension wraps around the side of the property at first floor level again on top of the existing single storey side extension, this would also be approximately 1m off the side boundary with No.6. To keep the height lower a flat roof and dummy pitch is proposed this gives the appearance of the side extension being approximately 1.4m below the ridge of the main roof. The plans show the relationship again the previously approved two storey front extension.

The rear part of the extension is not visible from the road and only the side extension would be seen. This aspect on its own appears subordinate to the main house. However, when considered alongside the previous approvals and the proposed development as a whole. Although the side extension is 1m off the side boundary and set below the main roof, the extensions, as a whole, will create an addition that is not subordinate to the original main house and as such is contrary to policy DEV19 (II) Furthermore, the proposed two storey rear extension extending the beyond the width of the main house appears as unduly dominant and overbearing and is out of scale with the main house. The proposed dummy pitch roof also

appears to sit awkwardly with the hipped main roof which further attracts the eye and enhances the dominant appearance of the extension. The detrimental impact of the proposed development upon the host dwelling is increased by virtue of the property being semi-detached with the neighbouring property retaining an open first floor level. Therefore, is contrary to policies GEN7 (ii) and DEV19 (I) and (ii).

Therefore, the proposal is not considered to appear subservient or well integrated with the host dwelling and will appear as an unduly dominant addition on the property on its own which would be exacerbated if the Y/42/09/PL is fully implemented. In addition, it would be harmful to the wider character of the area, which does not appear to benefit from a comparable size and bulk of a rear extension on adjoining properties. As such is in conflict with policy DEV19(i) and (ii) and GEN7(ii) of the Arun District Local Plan and policy BB1 the Yapton Neighbourhood Plan.

The proposed side extension is not considered to have an adverse impact upon the amenity of No.6. Likewise given its siting and distance to the rear elevation of No.6 the side and rear extension will not lead to a loss of privacy, daylight or outlook to this property.

However, with regard to No.8, although the side part of the proposal has no impact, the proposed first floor rear extension would be built up to the boundary with No.8. With regard to privacy there are no side windows facing No.8 however, the proposed first floor extension would introduce a bedroom window some 3.3m further to the rear of the site than the existing window. It is considered that in this position and being only 1.4m from the side boundary will lead to an increased an unacceptable overlooking of the rear garden of No.8 which could affect the occupier's enjoyment of the garden area.

In addition, and although an attempt has been made to keep the extension as low as possible, the proposed first floor extension would infringe a 45 degree line off the middle of the nearest window at No.8. Therefore, the proposed first floor extension is considered to be unduly dominant upon and lead to an overbearing feature and loss of outlook to the occupiers of No.8. Therefore, this aspect would also be harmful to the residential amenity of he of the occupiers of No.8

Therefore, as a whole, the proposed development is considered to be harmful to the amenity of the adjoining occupiers. As such, the proposed development is deemed to conflict with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

The proposed development is considered to conflict with relevant Development Plan Policy and the Yapton Neighbourhood Plan and as such is recommended for refusal for the reasons identified below.

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), 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 The proposed development is not considered to appear subservient or well integrated with the host dwelling and will appear as an unduly dominant addition on the property on its own which would be exacerbated if the Y/42/09/PL is fully implemented. In addition, as a result of the size and bulk of the extension the proposed development is considered to be harmful to the character and appearance of the wider area . As such the proposal fails to comply with policy DEV19(i) and (ii) and GEN7(ii) of the Arun District Local Plan.
- 2 Due to the siting and depth of the first floor rear extension it is considered that the proposed first floor rear window, closest to the boundary with No.8 Mill View Road, will lead to increased and harmful overlooking of the private garden area of No.8 and as such lead to a loss of privacy to the occupiers of No.8. Therefore, the proposed development is considered to be harmful to the amenity of the adjoining occupiers. As such, the proposed development is deemed to conflict with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.
- 3 Due to the size and siting off the proposed rear first floor extension it is considered that the proposed development will be unduly dominant upon and lead to an overbearing and unneighbourly feature leading to a loss of outlook and daylight to the occupiers of No.8 Mill View Road. As such, the proposed development is deemed to conflict with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.
- 4 **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.