

MID SUSSEX DISTRICT COUNCIL

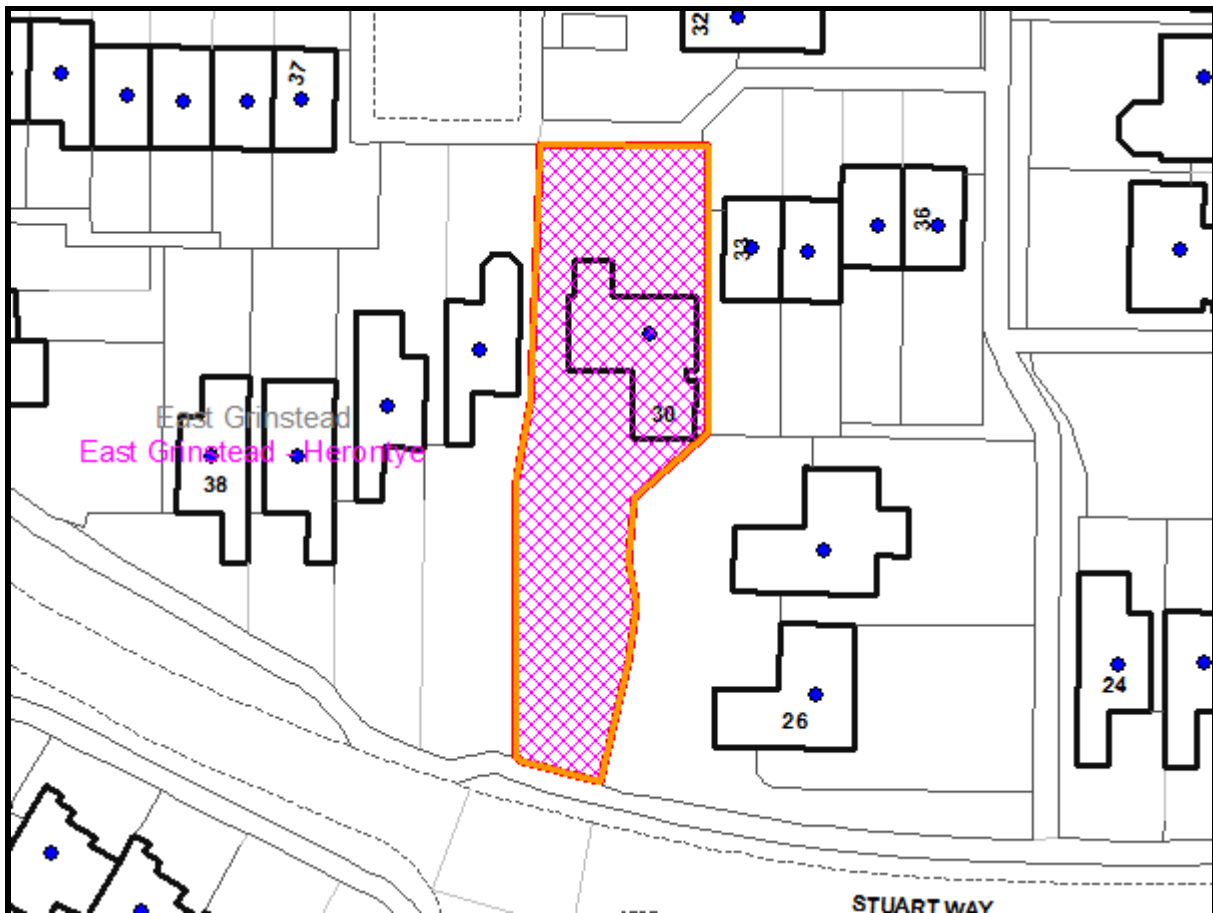
Planning Committee A

17 JAN 2019

RECOMMENDED FOR PERMISSION

East Grinstead

DM/18/4388



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**30 STUART WAY EAST GRINSTEAD WEST SUSSEX RH19 4RS
REMOVE EXISTING CONSERVATORY. SINGLE STOREY / TWO STOREY
SIDE EXTENSION. SINGLE STOREY REAR EXTENSION. CONVERSION
OF GARAGE INTO DINING ROOM. NEW PORCH. CHANGES TO
EXTERNAL FINISHES. AMENDED PLANS RECEIVED 10.12.2018.
MR AND MRS PAINTER**

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order Points /

ODPM CODE: Householder

8 WEEK DATE: 18th January 2019

WARD MEMBERS: Cllr Edward Belsey / Cllr Dick Sweatman /

CASE OFFICER: Anna Tidey

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the extension of a 4 bed detached house by the addition of part single storey/part two storey side extension, single storey front and rear additions and a garage conversion at No 30 Stuart Way in East Grinstead.

This application has been called into this committee by Councillors Sweatman and Edward Belsey for the following reason:

'If you were minded to approve this application, I would like to call to committee to consider EG3, A, B, C of the East Grinstead neighbourhood plan and DP26 of the Mid Sussex District Plan.'

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The application site lies in the built up area of East Grinstead. The proposed design and scale of the development is considered acceptable, and will complement the design and form of the original house and would not adversely affect the character and appearance of the area, the house being set back within the street scene and within a staggered layout. The immediate neighbours will not be unduly affected by the proposal and the proposed construction materials are considered acceptable.

On the basis of the above, the proposal would accord with Policy DP26 of the Mid Sussex District Plan 2014-2031 and Policy EG3 of the East Grinstead Neighbourhood Plan and the application is therefore recommended for approval.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions set in Appendix A.

SUMMARY OF REPRESENTATIONS

Two letters received which contain the following objections:

- The proposed extension will affect the appearance of the area and the spacing of the houses, creating a terracing effect.
- Impact upon outlook from No 32 next door.
- The proposed garage is sited close to No 32 and will impact upon that property.
- There will be an impact upon the privacy of No 32.
- Impact upon view and light to side of No 33 Cavalier Way.
- Two small windows are located in the side of No 33 Cavalier Way - a ground floor window and a landing window.
- Concerns regarding the height and solidity of the proposed extension.

Further letter received from occupiers of No 30, which confirms that the details provided by the Agent of nearby extensions are not relevant to this site and reiterates their concerns regarding the impact of the addition upon the gap between Nos 30 and No 32.

East Grinstead Society: No objection.

EAST GRINSTEAD TOWN COUNCIL

Recommend Refusal: The committee had concerns as to whether other houses on the road had been altered as per the proposal. They regretted changes to the street scene. They would ask that the officers consider this before proceeding with the application. If there has been no other alterations to homes in this manner, committee would suggest that it be refused in order to preserve the original street scene and as be an overdevelopment of the plot.

Further comments: Would support approval: Having visited the site, since the previous consideration, the Committee are content there have been other extensions in the street and taking in to account the revised plans - Would support approval.

INTRODUCTION

This application seeks planning permission to enlarge a detached house at No 30 Stuart Way in East Grinstead. The site falls within the built up area of East Grinstead in an established residential area.

RELEVANT PLANNING HISTORY

Planning reference: 07/01282/FUL. Proposed garage. Approved July 2007.

SITE AND SURROUNDINGS

The property is a 4 bed house located in an established residential estate in an area of mixed property designs. The house is set back from the road with a shared access to an open forecourt. The flat roofed garage dominates the frontage.

The house is set back relative to the immediate neighbouring house at No 32 to the west, which is set at a higher level with a blank gable and side access pathway adjacent to the boundary fence. An existing garden shed occupies part of the footprint for the proposed side extension.

The property to the east of the site is orientated the opposite way to No 30 Stuart Way, facing north, with the rear garden alongside No 30. The position of the side wall of No 33 Cavalier Way is immediately adjacent to the side fence line of the rear garden and a first floor landing window directly overlooks the rear garden of No 30.

The house has already been the subject of an application (07/01282/FUL), see above, for a garage conversion and side single garage addition, but this has not been implemented.

APPLICATION DETAILS

This application seeks planning permission for the extension of the house by the addition of a part single/part two storey side extension, single storey front and rear additions and a garage conversion at No 30 Stuart Way in East Grinstead. The property is located within the built up area of East Grinstead.

Planning permission is sought for the enlargement of the property via the construction of a two storey side extension consisting of a single garage, extending up to the western boundary of the plot, with a first floor addition above to create an ensuite and dressing room to the master bedroom. The first floor element is set in from the boundary by 0.5m, and set back from the front wall of the house by 1.3m, with a gabled roof set 0.3m down from the main ridge level on the house.

Amended plans have been submitted during the determination of the application to alter the external finish of the first floor addition from a dark wood cladding to a brick finish on the end gable with dark wood cladding on the front and rear elevations. The amended plans also show a new window in the front wall of the garage reduced from a 1.2m deep by 2.1m wide window to a 0.5m deep by 2.1m high level window to lessen potential overlooking at the front of the neighbouring house.

The front porch extension would measure 3.3m deep by 2.3m wide and provides a new angled front entrance door and enlarged hallway. The addition has a flat roof to match that on the garage, which is to be converted to create a new dining room and shower/toilet.

An existing conservatory at the rear of the house is to be removed and the proposed rear extension is located to the rear of the kitchen to accommodate a new kitchen/diner. The existing kitchen would be made open plan and enlarged with a new utility area formed from the inclusion of a former internal toilet. The proposed rear extension would measure 4m deep by 6.1m in width, aligned with the eastern side wall of the house. The extension would be built with a part pitched and part flat roofline to allow the addition to be constructed below the first floor windows, one of which is to be reduced in depth. The eaves of the addition are set at a height of 2.5m above ground level and the ridge level is 3.8m in height.

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018.

DP26 - Character and Design

Neighbourhood Plan

The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight.

Policy EG3 Promoting Good Design

National Policy and Legislation

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.

Paragraph 11 states:

'Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

Para 15 states: 'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings'.

ASSESSMENT

The main issues for consideration in determining this application are:

Policy context

Design and impact on character of area

Impact upon the neighbouring amenities

Policy context

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes 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."

Under Section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the East Grinstead Neighbourhood Plan (2016).

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. Policy DP26 states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development.'

As the site is located in the built up area of East Grinstead consideration against policies contained within the Neighbourhood Plan is also required. Neighbourhood Plan Policy EG3 is relevant. This states:

'Policy EG3 - Promoting Good Design

Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;

- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and
- h) Proposals make provision for green infrastructure and biodiversity enhancement.

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard'.

Design and impact on character of area

The proposed extensions will reflect the appearance of the property. It is considered that the form of the additions is sympathetic to the design of the original house, with materials that complement the original house and the addition of new horizontal cladding will reflect other new cladding alterations that have been made on neighbouring houses.

The form of the side addition varies from that previously approved under 07/01282/FUL, as that was for a larger single storey flat roofed garage. The side addition has been designed to limit the bulk of the first floor element, by the inset and set back position of the first floor gable. In addition the amended plans show the side wall to be constructed in brick, which will lighten the appearance of the addition in views from the side access path to No 30, and is preferable to the originally proposed dark wood effect cladding. The property is not highly prominent in the street scene, due to set back position of the house in the street scene. However the differing land levels, and staggered house layout, as seen from Stuart Way at the front of the site, will also help the first floor addition to blend in with the overall street scene.

The proposed extensions will not increase the number of bedrooms in the property but will enlarge the ground floor of the house and create a small additional first floor area in the side extension. The rear extension has been assessed with reference to the permitted development rights under the General Permitted Development Order, and could be added without the requirement for planning permission subject to a successful application for a Lawful Development Certificate.

The design of the proposed extensions are considered acceptable in this case.

The proposal would therefore accord with Policy DP26 of the Mid Sussex District Plan 2014-2031 and Policy EG3 of the East Grinstead Neighbourhood Plan.

Impact upon the neighbouring amenities

In assessing the potential impact of the proposed extension works upon the neighbouring amenities consideration needs to be given to the wording and content of District Plan Policy DP26 and Neighbourhood Policy EG3. There is a conflict in the phrasing of these policies.

Policy DP26 requires that 'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings.' In contrast Policy EG3 states that proposals do not harm adjoining amenity. In cases where such conflict occurs, the law requires that the most recently adopted policy takes priority. That is policy DP26 and thus the test for assessing this aspect of the development is one of 'significant harm'.

A number of concerns have been raised by nearby occupiers, and in particular by the residents of No 32, which sides onto the western elevation of the proposed two storey side addition. That property is sited forward and at a slightly higher level than No 30. It is considered that the conservatory at the rear of that property would not be adversely affected by the proposed addition to the side of No 30, and there are no other windows in the side elevation of that house which face the site and the proposed addition. It is considered that whilst the gap between the two properties will be reduced the loss of a view is not a planning issue, and the available aspect through from the public realm in Stuart Way is extremely limited.

Regarding the comments from the occupier of No 33 Cavalier Way, the relationship of the houses currently allows overlooking into the rear private garden space from the side landing window in that property. As the proposed rear addition might be constructed under the permitted development allowance referred to above, the impact of the extension is not felt significant in this case.

Consequently it is considered that the proposals would not significantly harm the amenities of the immediate neighbours. The proposal accords with the requirements of the more up to date Policy DP26 of the District Plan, but also with the requirements of Policy EG3 of the East Grinstead Neighbourhood Plan.

CONCLUSION

The proposal represents an acceptable form of development which will complement the design and form of the original house and would not adversely affect the character and appearance of the area, the house being set back within the street scene and within a staggered layout. The proposals would not significantly harm the amenities of the immediate neighbours and the proposed construction materials are considered acceptable.

Consequently the proposal would accord with Policy DP26 of the Mid Sussex District Plan 2014-2031 and Policy EG3 of the East Grinstead Neighbourhood Plan and the application is therefore recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

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.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the East Grinstead Neighbourhood Plan.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable

amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Floor Plans	PLN01	GROUND	29.10.2018
Existing Floor Plans	PLN02	FIRST	29.10.2018
Existing Roof Plan	PLN02		29.10.2018
Existing Elevations	PLN03		29.10.2018
Sections	PLN04	EX A-A	29.10.2018
Proposed Floor Plans	PLN05	GROUND	10.12.2018
Proposed Floor Plans	PLN06 A	FIRST	10.12.2018
Proposed Roof Plan	PLN07		10.12.2018
Proposed Elevations	PLN08	A	10.12.2018
Location Plan	PLN09		29.10.2018
Block Plan	PLN10		29.10.2018
Tree Survey			08.11.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

As per East Grinstead Town Council Planning Committee meeting held on 10th December 2018, the following observations were made:-

Recommend Refusal: The committee had concerns as to whether other houses on the road had been altered as per the proposal. They regretted changes to the street scene. They would ask that the officers consider this before proceeding with the application. If there has been no other alterations to homes in this manner, committee would suggest that it be refused in order to preserve the original street scene and as be an overdevelopment of the plot.

Parish Consultation

As per East Grinstead Town Council Planning Committee meeting held on 2nd January 2019:- Having visited the site, since the previous consideration, the Committee are content there have been other extensions in the street and taking in to account the revised plans - Would support approval.