

MID SUSSEX DISTRICT COUNCIL

Planning Committee

13 JUN 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/1352



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**4 WYNGATES COPTHORNE BANK COPTHORNE CRAWLEY
REMOVAL OF EXISTING CONSERVATORY WITH REPLACEMENT
DOUBLE STOREY REAR EXTENSION.
MR AND MRS SPENCER**

POLICY: Article 4 Direction / Article 4 Direction / Areas of Special Control for Adverts / Built Up Areas / Classified Roads - 20m buffer / Green Belt / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 17th June 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Caroline Grist

Purpose of Report

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

Executive Summary

This application seeks planning permission to replace an existing conservatory with a two storey rear extension at 4 Wyngates, Copthorne Bank.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations 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 National Planning Policy Framework.

The proposed extension is deemed acceptable in terms of design and scale and would not detract from the appearance of the dwelling or character of the area. The proposal is also not considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, policy COP04.1 of the Copthorne Neighbourhood Plan as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

Recommendation

It is recommended that permission be granted subject to the conditions listed at Appendix A.

Summary of Consultations

(Full responses from Consultees are included at the end of this report as Appendix B.)

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

Worth Parish Council support the application.

Introduction

This application seeks planning permission to replace an existing conservatory with a two storey rear extension at 4 Wyngates, Copthorne Bank.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

Relevant Planning History

06/00705/FUL - Demolition of Wyngates and the erection of 2 four bed detached dwellings. Permitted.

06/02023/FUL - Demolition of Wyngates and the erection of 1 No. 4 bed dwelling (Plot 4) amendment to application number WP/06/0705/FUL. Permitted.

DM/15/1209 - Garage conversion, alterations to door and window openings, new garage, new drive and new boundary wall to replace fence. Permitted.

DM/16/1053 - Proposed garage conversion and single storey extension. Refused.

DM/16/1884 - Single storey rear utility room extension, garage conversion and internal alterations. Permitted.

Site and Surroundings

4 Wyngates is a west facing, detached, two storey dwelling. It is constructed of red bricks, with tile hanging at the first floor level, plain tiled roof and upvc windows. The property has been previously altered, as the original garage and utility room has been converted and extended to form part of the dwelling. A detached, single bay garage is located to the south of the dwelling. Due to the shape of the plot, the property has private garden to the side and rear, enclosed by red brick walls and timber fencing.

The property is located within the built up area of Copthorne and forms one of four dwellings, constructed as a small development post 2006. Neighbouring dwellings

are located to the north, south and east. Copthorne Village Hall and Social Club are located to the west.

Application Details

Planning permission is sought to replace an existing conservatory at the rear of the property with a two storey extension. This would enable the current lounge and first floor bedroom to be enlarged. An en-suite would also be created in the bedroom. The extension is to be 4.1 metres deep and 4.7 metres wide. A pitched roof design is proposed that would follow the existing eaves and have a ridge height of 7.3 metres.

The existing chimney would be re-located 3.5 metres behind its current position. All works are to be completed in materials to match the host dwelling.

List of Policies

Mid Sussex District Plan 2014-2031

The District Plan was formerly adopted on the 28th March 2018.

DP26 - Character and Design

Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan has had its regulation 14 Draft Plan published and consultation finished on the 30th April 2017. The plan is a material consideration in the determination of planning decisions but carries little weight.

COP04.1 - Building Extensions

National Policy

National Planning Policy Framework (NPPF - 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

National Planning Policy Guidance

Assessment (Consideration of Key Issues)

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

The main issues considered relevant to this application are the proposed design and impact on the character of the area and impact on neighbouring residential amenity.

Impact on the Character of the Area

One of the key issues is the design and the subsequent visual impact on the character of the area. The NPPF makes reference to the importance of good design at para 127 which states in part that:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'*

Such requirements are similar to those found at district level within DP26 which states in part that:

'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; and*
- protects valued townscapes and the separate identity and character of towns and villages.'*

Policy COP04.1 of the Copthorne Neighbourhood Plan states that:

'Building extensions will be permitted provided they are in accordance with the Neighbourhood Plan and meet the following criteria:

- a) *The scale, height and form of the extension should be subservient to the existing building and should be in character with the street scene. Where appropriate, special regard should be paid to sustaining and enhancing the setting and features of heritage assets and the areas of townscape character.*
- b) *The traditional boundary treatment of an area is retained and where feasible reinforced.*
- c) *Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- d) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- e) *Historic vistas are maintained. These are identified as:*
 - *Edge of Copthorne Common south of A264*
 - *Copthorne Golf Course north of A264*
 - *All brooks and streams within village boundary*
 - *Views across to North and South Downs*
 - *Rowfant and its surrounding landscape*
- f) *Materials are compatible with materials of existing/surrounding buildings.'*

The application property is located within a modern development. Dwellings on Wyngates are of a similar design but have a consistent use of materials.

The proposed extension is considered to be of a size and scale that is proportion to the main dwelling and would appear subservient through the lower ridge height. The design reflects the host building, using materials to match and continuing the existing roof form. Due to the position of the dwelling in the streetscene, there would be some views of this addition. As the proposed extension would appear subservient, is of an appropriate design not and overly dominant it is considered that there would not be a harmful impact to the character and appearance of the area.

The extension is therefore deemed to be of an appropriate scale and design that would not detract from the character of the area, thereby according with policy DP26 of the District Plan and policy COP04.1 of the Copthorne Neighbourhood Plan.

Impact on neighbouring amenities

Policy DP26 of the District Plan also relates to amenity and states 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 new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29).'

Policy COP04.1 of the Copthorne Neighbourhood Plan states:

'Building extensions will be permitted provided ... amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'

Policy DP26 of the Mid Sussex District Plan states that development should 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. The test, as set out under policy CDNP04.1 Copthorne Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. Where a policy contained in a development plan for an area conflicts with another policy in the development plan, under section 38(5) of the Planning and Compulsory Purchase Act 2004, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Due to the status of the Copthorne Neighbourhood Plan, policy DP26 is considered to take precedence therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The proposed extension would be positioned approximately 2.0 metres from the shared boundary with 3 Wyngates. No. 3 has its detached garage closest to this boundary; therefore this house is positioned approximately 5.0 metres away from this boundary. Due to the distance between the proposed extension and this neighbour it is considered that the development would not result in a loss of light. This distance, combined with the reduced roof height and position of the extension in relation to this neighbour, would ensure that there would not be a significant loss of outlook. One window is proposed on the side elevation facing No. 3, where there is an existing window. As the proposed window would relate to the en-suite, which is shown as being obscure glazed on the submitted plans; it is considered that harm would not be caused to this neighbour's privacy.

Due to the residential nature of the proposed development there would not be any significant harm regarding noise, air or light pollution. It is therefore considered that the proposed development would not have an adverse impact on neighbouring amenity, in accordance with DP26 of the District Plan and policy COP04.1 of the Copthorne Neighbourhood Plan.

Planning Balance and Conclusions

The proposed extension is deemed acceptable in terms of design and scale and would not detract from the appearance of the dwelling or character of the area. Nor is the proposal considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, policy COP04.1 of the Copthorne Neighbourhood Plan, as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

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. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 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.
2. 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.

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
Location and Block Plan	SPENCER-06		08.04.2019
Existing Floor and Elevations Plan	SPENCER-04		08.04.2019
Proposed Floor and Elevations Plan	SPENCER-05		08.04.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Support.