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

REF NO: **AB/67/13/**

LOCATION: 43 Fitzalan Road
Arundel

PROPOSAL: Proposed roof extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for a roof extension to the south and the extension of a rear dormer. The roof extension will have a width of approximately 4.5m, a height of approximately 3m and a length of approximately 9.2m (the length of the property). The existing rear dormer is to be extended to measure approximately 4.5m in length, approximately 2.5m in depth and approximately 1.6m in height. Materials will be tile hung to match existing dormers.
SITE AREA	Approximately 650 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To front there is a low brick wall at approximately 0.3m in height supplemented with hedging at approximately 2m in height. At the rear there is close boarded fencing at approximately 1.8m in height.
SITE CHARACTERISTICS	A semi-detached chalet bungalow with brown brick elevations and rough rendering painted white. The roof is hipped with brown pantiles. There is a front and rear dormer and a PVCu conservatory to the rear. A detached wooden shed to rear.
CHARACTER OF LOCALITY	Predominantly residential in character with semi-detached and detached chalet and two storey properties. Front roof dormers are a feature of properties in the road.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:
Arundel Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water
No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

ADS	The Arundel Design Statement by Arundel Town Council

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

PRINCIPLE
The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY
This application seeks to extend the roof to the south by approximately 4.5m for the length of the property. These dimensions ensure that the extension is visually subservient to the property. The extension will have tile hung elevations to match existing front and rear dormers and therefore provides visual integration.

The application also proposes to extend an existing rear dormer to a length of approximately 4.5m. The dormer extension will retain adequate distances from the ridge and southern sides of the roofslope. It will also maintain an existing height set by the existing dormer and that of the neighbouring dormer at Number 41 to the north. Rear dormers are a feature of the road and there are further examples seen at Number 37 and 39. Therefore, the proposal is considered to be acceptable from a visual and design perspective and complies with Local Plan policy GEN7(ii).

RESIDENTIAL AMENITY
There will be no windows in the southern elevation of the proposed extension to the roofslope. Therefore, there will be no loss of privacy or overlooking on to the immediately neighbouring property of Number 45 to the south. However, a condition will be placed on this permission to prevent any window being inserted at a later date without first applying for planning permission. An adequate separation distance has been retained to Number 45 to the south and this means that the roof extension can be accommodated without causing any unacceptable adverse effects such as overbearing or overshadowing. It therefore complies with Local Plan policy DEV19(iii).

It is therefore recommended that the application is approved, subject to the following 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 family and private 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: drawing numbers 05 B (site and block plans) dated 23rd July 2013, 01 A (existing floor plans), 02 A (existing elevations), 03 A (proposed floor plans), 04 A (proposed elevations) all dated July 2012 and 06 (roof plans) dated 7th July 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 The materials and finishes of the external walls of the roof extension and rear dormer extension hereby permitted shall match in colour and texture to those of the existing front and rear dormers.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the southern elevation of the roof extension or

the southern elevation of the rear dormer without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 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.