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

REF NO: **AL/14/13/**

LOCATION: 16 St Johns Close
Aldingbourne

PROPOSAL: Construction of front porch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks consent to construct a front porch.
SITE AREA	Approximately 288 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	N/A
BOUNDARY TREATMENT	None to front. 1.8 metre high close boarded fence to side.
SITE CHARACTERISTICS	Two storey modern end of terrace property, constructed from brick with tiled, pitch roof and uPVC glazing.
CHARACTER OF LOCALITY	Residential comprising two storey modern terraced properties constructed from brick with tiled, pitch roofs of identical character and design.

RELEVANT SITE HISTORY

AL/40/01/	Change of use from public amenity open space to private garden	Approve 03-07-2001
AL/19/11/	Front porch and rear extension	Approve Conditionaly 14-04-2011

REPRESENTATIONS

Representations received:
Aldingbourne Parish Council
No objection.
Comments on Representations received:
Noted.

CONSULTATIONS

Consultations responses received:
None

Comments on Consultation responses:
None

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
No public sewer

DEVELOPMENT PLAN POLICIES

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

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.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 boundary where the principle of new development is acceptable, subject to the impact on visual and residential amenity.

DESIGN AND VISUAL AMENITY
The front porch will occupy an area of approximately 6 sq metres and will have a tiled, hip roof with brick elevations. It will measure 3 metres in height to the ridge and is visually subservient. The design and scale of the porch is in keeping with the host dwelling.

The property occupies a corner plot at the end of a row of two storey, modern terraced dwellings. There is no screening to the front boundary, such that the porch will be clearly visible in views along St John's Close. Owing to its small scale and size, there will be no adverse visual impact on the character of the streetscene.

RESIDENTIAL AMENITY
The siting and scale of the porch will not harm the residential amenity of the neighbouring property to the north at no.18, through overlooking, loss of daylight or outlook.

SUMMARY
It is therefore recommended that consent is granted, subject to the following conditions.

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 to 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 the following impacts (Neutral) 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).

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 Plan, Block Plan, drawing 050308/2 Block Plan, Proposed and Existing Roofplan and Ground Floorplan, drawing 050308/1 Existing and Proposed Elevations, received on 18 February 2013.

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 porch 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: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2, DEV19

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

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.