

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

REF NO: AL/21/18/HH

LOCATION: 27 Ivy Close
Westergate
PO20 3RF

PROPOSAL: Conservatory

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a conservatory to the western side of the property.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the property is open plan and paved for garage access. The rear and side boundaries consist of fencing around 1.8 in height and heavy planting.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow with a detached garage to the front of the property.
CHARACTER OF LOCALITY	The area is predominately residential with housing of similar styles and design.

RELEVANT SITE HISTORY

AL/50/06/	Extensions to existing bungalow	ApproveConditionally 28-07-06
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Relevant site history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council provided no response
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN2	Built-up Area Boundary
DEV19	Extensions to existing residential buildings

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
SD SP2	Built -Up Area Boundary
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design

[Aldingbourne Neighbourhood Plan 2016 POLICY H1](#)

New housing or altering dwellings
Quality of Design

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. The plan was subject to consultation until 23rd February 2018.

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).

Aldingbourne has a 'made' neighbourhood plan which has been a material consideration during the planning process. Policy H1 is considered relevant to the determination of this application.

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 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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policies are GEN7 and DEV19 of the Arun District Local Plan. Policy H1 of the Aldingbourne

Neighbourhood Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed conservatory will be situated to the western side of the dwelling. Due to its location it will not be readily visible from the street scene. The conservatory will be constructed of part brick and glass which matches materials of the existing dwellinghouse. The conservatory is not unduly dominant and considered in keeping with the appearance of the main dwelling and therefore is not considered to have any unacceptable adverse impacts upon the spatial pattern or character of the area and accord with DEV19 and GEN7 of the Arun District Local Plan and Policy H1 of the Aldingbourne Neighbourhood Plan.

NEIGHBOURHOOD RESIDENTIAL AMENITY

The conservatory will extend around 3.8m from the western elevation. The eaves height is around 2m with a total height of around 3.3m. There are no neighbouring properties to the north and western elevations and there is a separation distance to the southern boundary of around 6m however due to its location it is unlikely to be visible and therefore the proposal is not considered to give rise to any harm to the amenity of adjoining occupiers due to loss of privacy or outlook.

The proposed development is not considered to give rise to any acceptable adverse overbearing, overshadowing and overlooking impacts upon the neighbouring residential amenity and therefore in accordance with GEN7 and DEV19 of the Arun District Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 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

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
 - Existing Floor Plan
 - Proposed Floor Plan
 - Existing East and Front Elevation
 - Existing West and Rear Elevation
 - Proposed West and Rear Elevation
 - Proposed East and Front Elevation
 - Floor Plan

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 building 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:** 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 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.