

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

REF NO: **AW/126/13/**

LOCATION: 42 Rose Green Road
 Bognor Regis
 West Sussex

PROPOSAL: Rear 1.5 storey extension, addition of 2 no roof dormers and increased first floor

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposes a first floor rear extension measuring 6m deep by 6.8m wide (as per the width of the existing house). The first floor element is contained within the existing roof and in order to provide more space, two dormers are proposed either side of the roof pitch and along almost the entire length of the dwelling (the dormers will be 14m long whilst the roof itself will be 16.8m). The roof of the dormers will extend up to the height of the existing pitch of the dwelling.

Two new windows are proposed along the ground floor eastern flank wall to serve the kitchen and day room. A further 7 windows are proposed at first floor where there are none at present serving the following areas: Bedroom 1 (2 windows), stairs (1 window), bedroom 3 (1 window), bedroom 2 (1 window), bathroom (1 window) and en-suite bathroom (1 window). In addition, there is a slight change to the first floor front fenestration (two windows instead of one) and more significant changes to the rear elevation including a 5.2m wide patio door type window.

TOPOGRAPHY

The site is flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

A 2m high fence separates the site from no. 40 Rose Green Road. A similar height wall is present on the other side to 44. The front boundary has a low brick wall with a manicured hedge above.

SITE CHARACTERISTICS

No. 42 is a detached chalet bungalow set in a narrow but deep plot of land. To the front there is a small grassed front garden with a parking space in front of the existing integral garage. To the rear, there is an existing small rear utility extension and detached workshop both of which will be removed to facilitate the rear extension. The rear garden extends back some 41m.

With regard to neighbouring properties, no. 40 to the east has extended to the rear at first floor level (to a similar depth as the proposal) and this extension included a single west facing dormer set towards the rear of the roof. This dormer has 4 windows (all obscure glazed) serving two bedrooms and two bathrooms. No. 44 to the west has also extended to the rear but only at ground floor level. However, it has two dormers in the existing roof (one on either side). The east facing dormer has a window serving the stairs and one serving a bathroom, the latter being obscure glazed.

CHARACTER OF LOCALITY

Rose Green Road is a residential road characterised by chalet bungalows many with either front facing or side facing dormers of different sizes and styles. The majority of dwellings on this (northern) side of Rose Green Road have side facing dormers. There are no other dormers comparable in size to the proposal in the immediate area. All of the houses have off-street parking but there is also plentiful on-street parking.

RELEVANT SITE HISTORY

AW/297/88	Raised roof with dormers to provide 3 bedrooms and bathroom.	ApproveConditionally 12-12-1988
AW/97/90	Rear extension, roof dormer and carport	ApproveConditionally 16-07-1990

There is no planning history relating to number 42.

Planning application Ref AW/297/88 relates to 44 Rose Green Road and allowed for the double dormer as discussed above. The planning officer in approving that application commented that "Whilst of very poor design and will have an impact on the streetscene and any views, no real effect on either".

Planning application Ref AW/97/90 relates to 40 Rose Green Road and allowed for the first floor rear extension and west facing dormer.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 DEV19	The Form of New Development Extensions to existing residential buildings
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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 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.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and potentially the residential amenities of the adjoining properties, and would have an adverse impact upon the established character of the streetscene.

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

Policy DEV19 requires that extensions be visually subservient, sympathetically relate to and visually integrate with the existing dwelling. Extensions must also avoid adverse impacts to neighbouring properties and must reflect the existing streetscene.

Given the position of neighbouring dwellings (which both have rear extensions, albeit only at single storey level in the case of 44), it is not considered that the act of extending to the rear at ground floor level has any adverse impact. Furthermore, existing boundary treatments protect the privacy of neighbours at ground floor level.

The principle of extending at first floor level is also considered to be acceptable having regard to the work that has been done in the past to 40 and 44. However, in respect of the detail of the first floor dormers, it is considered that there is potential for overlooking and a loss of privacy to the neighbouring properties from some of the flank windows proposed. It is accepted that some or all of these windows could be obscure glazed as per the west facing dormer windows on no. 40. However, the application does not suggest this and it is not clear as to whether such a condition would be acceptable. It would be helpful if any revised scheme showed roof plans with window positions marked for all three properties.

The main issue with regard to the application is the size, height in relation to the roof pitch and design of the dormers which will appear as visually un-subservient to the existing dwelling and incongruous in the streetscene. Calculations have been made and it is clear that the existing roof space has an approximate volume of 120m³. The additional roof space gained to the rear is approximately 65m³ and the dormer extensions add a further 112m³ (approximate). The effect therefore of these extensions is to more than double the volume of the roof.

It is noted that permitted development rights allow for roof extensions which extend the roof space by no more than 50m³ (subject to other criteria) but it is clear that these extensions are not capable of being considered to be permitted development. In order to be considered to be acceptable it is suggested that the depth of the dormers would need to be shortened and above all, the height of the dormers would need to be below the pitch of the roof, ideally to a similar height as the adjacent examples.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposed dormer roof alterations by reason of their size and design, would detract from the visual appearance of this house, would appear incongruous in the streetscene, would adversely affect the continuity of rooflines in the vicinity and would be detrimental to the character of the area. Consequently, the proposed development would be contrary to policies GEN7 and DEV19 of the Arun District Local Plan.
- 2 The proposed windows on the dormer roof extensions are likely to give rise to direct overlooking of adjacent properties to the detriment of the amenities of the occupants of these properties in conflict with policies DEV19 and GEN7 of the Arun District Local Plan.
- 3 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.