

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

REF NO: **AW/128/12/**

LOCATION: 12 Chawkmare Coppice
 Bognor Regis

PROPOSAL: 2 no. new windows to west elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The installation of 2 no. windows on the west side elevation, one measures approximately 0.5m X 0.8m in height and the other 0.9m x 0.8m in height.
SITE AREA	Approximately 756 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear and side boundaries mixture of close boarded fencing + hedging/tree screening.
SITE CHARACTERISTICS	Detached bungalow with attached double garage. Property has previously been extended on the rear. The dwelling has smooth rendered walls painted white, concrete tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising detached bungalows and chalet style properties of various styles and designs.

RELEVANT SITE HISTORY

BR/220/83	Double extension to rear	Approve Conditionally 13-04-1983
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REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection

Members object to the application on the following grounds; that the two new windows are un-neighbourly and that they should be constructed using opaque glass. Also, the Members are of the belief that this application appears to be retrospective, the work having already been done. Therefore, members agreed that this application is in direct conflict with Policy DEV19 of the Arun District Local Plan 2003.

Comments on Representations received:

Parish Council comments noted

The windows have been manufactured as obscure glazing with the top fan lights only being capable of being opened. When viewed from the neighbouring property No 14 the upper level are only visible above the fencing so it is not considered that this is of a harmful nature to recommend refusal.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Open Plan Condition

PDR on BR/220/83 re windows.

Tree Preservation Order 2/58

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary

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.

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 deemed to be acceptable, provided relevant planning policies are satisfied. In this instance the main policy concern relates to the impact on the neighbouring property.

HISTORY

The retrospective application is for the installation of two windows on the west side elevation of a previously approved extension BR/220/83 which was passed on the 13th April 1983 and constructed at that time. The application was approved for two single storey extensions to the rear, one on the eastern side and one on the western side. Condition No 2 on this permission stated "no windows or other openings shall be formed in the west wall of the kitchen and study extension without the prior permission of the Local Planning Authority on an application in that behalf".

CHARACTER AND APPEARANCE

There is an existing window on the west side elevation that serves the kitchen and the two new windows have been installed on this side elevation and serve the kitchen. The windows are obscure glazed with only the top fan light being capable of being opened. The windows are white PVCu that match the existing windows in style and appearance and do not detract from the character and appearance of the host dwelling.

RESIDENTIAL AMENITY

The neighbouring property No 14 is sited approximately 3m away from the western side elevation of the extension and the windows are positioned in line with the kitchen door of this property. The upper level of the windows when viewed from the neighbouring property No 14 are visible above the boundary fencing but with obscure glazing are not considered to create unacceptable overlooking or loss of outlook to the occupiers of this property.

SUMMARY

The windows are not visible within the street scene and in view of their position and obscure glazing are not considered to be of a harmful nature to recommend refusal. It is therefore recommended that retrospective planning permission 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 (right to respect for 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 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 two windows hereby approved shall at all times be glazed with obscured glass and only the top fan light capable of being opened.

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

- 2 The windows hereby approved have been carried out in accordance with the submitted plans: Site/Block/Floor/Elevations Drg No 4682/1 Rev B received on 25th June 2012.

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 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: GEN2, GEN7

THE NATIONAL PLANNING POLICY FRAMEWORK

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