Recommendation Report for Planning Permission

REF NO: **AW/164/12/**

LOCATION: Flat 2
Strange Garden House
Dark Lane Aldwick

PROPOSAL: Conservatory to rear elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 0.19ha
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None to front. Side boundary to no. 3 is 1.8 metre high timber fence with trellis. Side boundary to the Gate House and rear boundary is a 2 metre high timber panel fence.
SITE CHARACTERISTICS	Locally listed, detached two storey building faced in white render with terracotta tiled, mansard roof and decorative gable. Property has been sub-divided into flats. Parking forecourt to front.
CHARACTER OF LOCALITY	Private residential estate comprising the application property and large detached two storey dwellings in landscaped plots, served by a private access road.

RELEVANT SITE HISTORY

AW/275/87	Alterations to 2 flats	Approve Conditionaly 23-11-1987
AW/294/87	Erection of two garages	Approve Conditionaly 20-01-1988
AW/49/88	Erection of two garages	Approve Conditionaly 14-03-1988
AW/195/09/	Convert one flat back into two flats	Approve Conditionaly 21-12-2009

AW/316/11/	Installation of 12 Hybrid Sanyo HIT-H250EO1 solar photovoltaic panels on the roof of the garages on A frames for the micro generation of electricity using a Kaco Powador 3002 inverter.	Approve Conditionaly 17-02-2012
BR/56/55/D	Conversion of existing house into 4 self contained flats	Approve Conditionaly 04-06-1960
BR/56/55/E	Layout for new roads amd sewering	Approve Conditionaly 17-10-1960
BR/56/55/G	Conversion into 4 self contained flats & 1 maisonett	Approve 28-11-1960
BR/56/55/AB	Extensions and alterations	Approve 16-09-1964
BR/56/55/AC	Porch Way	Approve 23-04-1965

REPRESENTATIONS

Representations received:

Aldwick 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:
Tree Preservation Order
Building of Structural Character
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.

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 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

DESIGN AND VISUAL AMENITY
The proposal is for a detached, glazed uPVC conservatory to the rear elevation of the property (height 3.7 metres to the ridge, depth 4.8 metres, width 3.7 metres).

The conservatory will have a glazed, pitch roof, and glazed elevations above a dwarf, white rendered wall. There is a change in ground levels to the rear garden. Glazed doors are proposed on the north elevation with steps leading into the rear garden.

Although the building is locally listed, the use of uPVC glazed elevations and roof is considered appropriate in this instance, as the main building has uPVC glazed windows. The rendered dwarf wall matches the elevations of the host dwelling and the conservatory is visually subservient.

The proposal will have no adverse impact on the visual amenities of the area or the character of the streetscene, being a small scale addition to the rear of the property.

RESIDENTIAL AMENITY
With regard to residential amenity, the side boundaries to the property comprise 1.8-2 metre high timber panel fencing, with trellis and hedging on the south boundary adjoining flats 1-4 to the south. The proposal will have no adverse impact on The Gate House, which abuts the site to the north, being positioned adjacent to the south boundary.

A gap of approximately 600mm will be retained to the south boundary adjoining nos 1-4. The neighbouring properties have a large, east facing rear garden. The proposal will breach a 45

degree line taken from the mid point of 2no. ground floor windows of the neighbouring property closest to the boundary. However, the outlook to these windows is already restricted to a degree by high boundary fencing / planting and the windows appear to be secondary windows. Furthermore, the neighbouring property has a large rear garden, and the conservatory is glazed and single storey with a maximum depth of 4.6 metres, height 3.7 metres to the ridge, eaves height 2.8 metres. On this basis, refusal based on loss of daylight/outlook is unwarranted.

It is therefore recommended that consent is granted, subject to the conditions outlined below.

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 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: drawing 133 03 revision P1 Block Plan, drawing 133 01 revision P4 Proposed and Existing Plans, Elevations and Site Plans, received on 18 July 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: 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.