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

REF NO: **AW/183/14/HH**

LOCATION: 17 Grosvenor Gardens
Bognor Regis

PROPOSAL: First floor extensions

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The side dormer on the eastern side measures approximately 3.6m in width, depth of 3m with a height of 2.3m. The side dormer on the western side measures approximately 3m in width, depth of 3m with a height of 3.4m.
SITE AREA	Approximately 554 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has wall with infill fence panels approximately 1.5m in height, close boarded fencing approximately 1.8m in height surrounds the rear and side boundaries.
SITE CHARACTERISTICS	Detached chalet dwelling with conservatory on the rear. The property has six course brickwork on lower level with rendered walls painted yellow, red tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential road comprising detached properties of various styles and designs. Properties on the northern side of the road have front dormers.

RELEVANT SITE HISTORY

AW/116/88	Single storey extension comprising single garage and external store.	Refused 10-08-1988

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection

Members strongly objected to the application on the grounds that the proposed extensions would not sympathetically relate to or be visually integrated with, the existing building in siting, design, form, scale and materials; and because the extension would have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties and because the proposed extensions would compromise the established spatial character and pattern of the street. Therefore Members agreed that the proposed development is in direct conflict with Policy Dev 19 of the Arun District Local Plan 2003 (i)(iii) and (v) and with the Aldwick Parish Council Development Criteria.

Comments on Representations received:

Objection comments noted

The proposed dormers are of a size and height that could be constructed under "Permitted Development" without the need for the submission of a planning application. No 13 has a side dormer and whilst it is noted that there is the absence of dormers in the immediate vicinity, the properties on the northern side of the road have front dormers. The dormers in view of their size are considered to be visually subservient Policy DEV19 (i), would not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties (iii), nor would they compromise the established spatial character and pattern of the street (v).

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings D SP1 Design SD SP2 Built -Up Area Boundary

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 Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

· the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

· the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

· the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters/policies have been published.

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

THE PROPOSAL
The application seeks to construct dormers on the east and west side of the chalet dwelling.

PRINCIPLE
The site lies within the built up area boundary and is within an established residential area where there is a mixture of predominantly detached properties of various styles and designs, many of which have been extended. Policy DEV19 of the Arun District Local Plan allows for extensions to existing residential buildings subject to certain development control criteria. In this instance the emphasis is upon the character and appearance of the area and upon the amenities of neighbouring properties.

DESIGN AND SCALE
The chalet property has previously been extended with a rear conservatory. The property has existing bedroom accommodation at first floor level and the proposed dormers are to be installed on the east and west side roof slope. The dormers are of a similar size and height and will be set back from the front flank wall by 2.6m and will be tile hung to match the existing roof colour. The window on the western side serves a bedroom and the window on the eastern side serves an en-suite and, if approved, a condition will be imposed that this be obscure glazed and only the top fan light be capable of being opened. It should be noted that dormers of a similar size could be constructed under "Permitted Development" without the need for the submission of a full planning application.

RESIDENTIAL AMENITY
The rear of the site backs onto West Park. The neighbouring chalet property to the east is sited approximamtely 4m away and there are no windows on the west side elevation or roof slope of this property. The neighbouring bungalow to the west No 19 has a window on the east side elevation that serves a kitchen and there are no openings in the roof slope. Due to the position of the dormers it is not considered that they would create a loss of outlook or unacceptable overlooking to recommend refusal.

SUMMARY
The properties to the north of the site have front dormers and the neighbouring property to the east No 13 has a dormer that is sited on the western side. In view of the position of the dormers which are set back from the front flank wall of the dwelling it is not considered that these would be of an obtrusive nature of harm the established character and appearance of the street scene and surrounding area.

It is therefore recommended for approval, subject to conditions.

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 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 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 1:1250, Existing Elevations 1:100/Block Plan 1:500 Drg No 1625/01/02 dt June 2014, Proposed Floor 1:100 Drg No 1625/01/03 dt June 2014, Proposed First Floor 1:50 Drg No 1625/01/05 dt June 2014, Proposed Elevations 1:100 Drg No 1625/01/04 dt June 2014 received on 3rd July 2014.

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 en-suite window on the east side elevation of the dormer hereby approved shall at all times be glazed with obscured glass with only the top fan light be 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.

4 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.