

PLANNING APPLICATION REPORT**REF NO:** **AW/193/09/****LOCATION:** 227 Manor Way
 Aldwick
 Bognor Regis**PROPOSAL:** Removal of condition 2 following previously approved planning permission AW/91/09 for snooker room and garage.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 0.18 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development but various semi-mature and mature trees within the site.
BOUNDARY TREATMENT	Front boundary has wall + wooden access gates approximately 1.5m in height, side boundaries a mixture of close boarded fencing and hedging approximately 1.8m-3m in height, rear boundary has close boarded fencing + tree screening over 4m in height.
SITE CHARACTERISTICS	Detached two storey property with garage extension on east side. Swimming pool in rear garden. The property has reddish/brown brickwork with red tiled roof and rosewood window frames with leaded lights.
CHARACTER OF LOCALITY	Within the Aldwick Bay Conservation Area. Aldwick Bay Private Residential Estate comprising predominantly two storey properties on large plots of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

AW/53/06/	Garage & snooker room extension on ground floor	Approve Cond 10-05-2006
AW/341/07/	Garage and snooker room extension on ground and first floor	Refused 15-02-2008
AW/48/09/	Garage and snooker room extension	Approve Cond 05-05-2009

AW/91/09/	Amendments to previously approved AW/48/09/ (garage & snooker room extension) - flank & rear elevation ground floor window alterations to snooker room & garage.	Approve Cond 21-08-2009
BR/546/82/T	To fell six no Macracarpa trees and lop one no Montenay Pine tree	Approve Cond 04-08-1982

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

The Committee approved this application as it was felt that the revised application details addressed the concerns raised allied to the objections on AW/97/09, in that there were no material adverse effects upon neighbouring properties. The Committee would ask, that should Arun be minded to approve this application, that a condition be attached whereby the habitable rooms are not to be allowed to form a separate dwelling but remain an integral part of the existing residence.

The Aldwick Bay Company Limited have reviewed the current application at a recent board meeting and the board cannot find any reason to object to the loft area above the snooker room and garage being used as family accommodation, providing that the accommodation, if permitted, shall be occupied solely for the purposes incidental to the enjoyment of 227 Manor Way as a dwelling and shall not be used as a separate unit of accommodation.

Comments on Representations received:

Comments noted.

It is not considered appropriate to impose a condition restricting the use of the habitable rooms above the garage for use by the occupants and not as a separate dwelling as the room above the garage is only accessed via the main dwelling. Furthermore, if such a change occurred planning permission would be required in this instance.

CONSULTATIONS

Consultations responses received:

Conservation Area Advisory Committee

No comment.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Within the Aldwick Bay Conservation Area

Tree Preservation Order 2/58 Group 65

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment

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

The previous approved application AW/48/09 which was approved on the 21st August 2009 sought to amend the garage and snooker room extension in respect of window changes to the east side elevation and the rear elevation with the addition of three roof lights on the front and rear of the building.

The alterations have been implemented and the garage extension is now complete. A Condition (No 2) was imposed on Planning Approval AW/91/09 which stated that "The first floor above the garage/snooker room shall be used solely for domestic storage and not for living accommodation" and the reason for imposing this condition was "To safeguard residential amenities of neighbouring properties in accordance with Policy GEN7 of the Arun District Local Plan. This application seeks to remove this condition.

In this instance the applicant would like to use the roof space for bedroom accommodation with en-suite. In principle the roofspace is acceptable and the only considerations to be taken into

account would be overlooking to neighbouring properties. The three rear roof lights on the rear will overlook the rear garden of No 33 Colts Bay. This property is approximately 24m away and with adequate distance to this property it is not considered that the roof lights would create any additional overlooking or loss of privacy than the rear facing bedroom windows on the main dwelling. In respect of the three roof lights on the front, the neighbouring property to the east No 229 has an outbuilding which is sited behind the main dwelling on the western boundary and is approximately 4m away. Any overlooking from the roof lights into the rear garden area will be partly obscured by the rear outbuilding and due to the position of the roof lights any potential overlooking will mainly be restricted to the first floor rear windows of No 229 which is located approximately 13m away. It is considered that any potential overlooking will therefore be limited and not significant.

Although the roof lights have been permitted and there is nothing to stop occupants looking out of them it is not considered that the use of the roof space for additional accommodation would materially harm the amenities enjoyed by neighbouring properties.

It is therefore recommended that the application be approved.

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 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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

SOUTH EAST PLAN: SEPBE6

LOCAL PLAN: GEN2, GEN7, DEV19, AREA2

NATIONAL POLICIES: PPS1, PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.