

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

REF NO: **AW/205/14/HH**

LOCATION: 155 Nyetimber Lane
 Bognor Regis

PROPOSAL: Extend single garage into an attached double garage with rooms in the roof

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed extension has a maximum width of 8.4m, depth of 7.2m and a height of 5.7m.

The front dormer measures approximately 7.8m in width, depth of 2m with a height of 1.7m.

The side dormer measures approximately 6.8m in width, depth of 2m with a height of 1.7m.

SITE AREA

Approximately 740 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Front has wall with fence infill and brick pillar approximately 1.8m in height with wooden ranch type access gates 1.2m, east side boundary has close boarded fencing approximately 1.8m in height, west side boundary has close boarded fencing supplemented by soft landscaping 2m in height.

SITE CHARACTERISTICS

Detached bungalow with detached pitched roof garage on east side, tarmac driveway. The property has white painted brickwork, tiled roof with white window frames.

CHARACTER OF LOCALITY

Main road with residential comprising detached two storey and bungalows of various styles. To the east is a detached two storey chalet style property with front dormers and to the west a detached bungalow.

RELEVANT SITE HISTORY

BR/268/53

Detached bungalow and garage

ApproveConditionally

24-01-1954

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection

Members strongly objected to the application on the grounds that the extension is not sympathetically related to and is not visually integrated with the existing building in siting, form, scale and materials; because the extension is not visually subservient to the main building and because the extension compromises the established spatial character and pattern of the street. Therefore Members agreed that the application is in direct conflict with the Arun District Local Plan 2003 and with the Parish Design Statement Area 7 Development criteria (Page 41).

Comments on Representations received:

Objection comments noted

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV19](#)
[GEN2](#)
[GEN7](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

[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 SP1 Design

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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties.

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 application seeks to extend the existing single garage to create an attached double garage with alterations to the roof to create additional accommodation at first floor level. This will involve the introduction of front and side dormers and the conversion of the existing loft space to provide bedroom and en-suite accommodation.

The detached garage and bungalow are sited in a prominent position on a corner location at the junction of Nyetimber Lane and Pryors Lane. The dwelling is set back from the front boundary by approximately 7m and the detached garage is sited approximately 1.9m-2.3m from the eastern side boundary. The proposed extension will be positioned on the eastern side being sited approximately 0.2m-0.6m from the boundary. The extension will be the same height as the host dwelling forming a continuous line with the introduction of dormers on the front northern and western side. The proposed extension in view of its increased footprint, height, bulk and mass would unbalance the existing dwelling and the introduction of dormers on the front would significantly alter the appearance of the original design.

The neighbouring bungalow to the west No 157 is sited approximately 7m away. This property has three windows on the side elevation, two of which are obscure glazed. The proposed dormer which is of a substantial size has three windows, two serve bedroom accommodation and the third an en-suite. In view of the distance it is not considered that the introduction of the dormer would unduly affect the living conditions of the occupiers of No 157 by way of loss of outlook or unacceptable overlooking.

The neighbouring chalet bungalow to the east 2 Pryors Lane is sited approximately 3m away. This property has a flat roof garage that is sited to the boundary and there is a window on the rear elevation of the dwelling. The proposal has no windows on the east side elevation of the extension. In view of its siting adjacent to the boundary it is considered that this would create a degree of overshadowing at certain times of the day and a loss of outlook to the occupiers of No 2.

The introduction of dormers on the west side elevation would not significantly alter the appearance of the dwelling when viewed from the street frontage. However, the siting of the extension and introduction of front dormers would represent an overdevelopment of the site and would not appear visually integrated with the host dwelling.

It is recommended that the application be refused for the following reasons.

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), 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 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

REFUSE

- 1 The proposed extension by reason of its bulk and scale would be an overdevelopment of the site and not visually subservient to the host property, compromising the established spatial character of the locality and detrimental to the appearance of the street scene. The proposal therefore conflicts with policies GEN7 and DEV19(i)ii) of the Arun District Local Plan and D DM1 of the Emerging Local Plan (Publication Version) Regulation 19 February 2014.
- 2 **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 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.