

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

REF NO: AW/210/14/HH

LOCATION: 15 Elizabeth Avenue
Bognor Regis

PROPOSAL: Single storey extensions

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed side extension measures approximately 8.070m (maximum) in width, depth of 12.925m and a height of 2.6m.

The proposed rear extension measures approximately 4.6m in width, depth of 6m with a height of 2.6m.

SITE AREA

Approximately 360 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

front has paved driveway, rear has close boarded fencing + hedging approximately 2m in height, east and west side boundaries close boarded fencing approximately 1.8m in height.

SITE CHARACTERISTICS

Semi-detached bungalow with conservatory on rear. Detached garage on eastern side (to be removed) with paved driveway. The property has red brick and white painted brickwork, tiled roof with white window frames.

CHARACTER OF LOCALITY

Residential comprising semi-detached properties of similar style and design.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection

Members strongly objected to the proposed extension on the grounds that the extension does not sympathetically relate to and is not visually integrated with, the existing building

in siting, design, form, scale and materials; because the extension is not visually subservient to the main building, because the extension has an adverse overshadowing, overlooking and overbearing effect on neighbouring properties and because the extension compromises the established spatial character and pattern of the street. Therefore Members agreed that the proposed development is in direct conflict with Dev. 19 (i) (ii) (iii) and (v) of the Arun District Local Plan 2003 and with the Parish Design Statement (Page 41).

Comments on Representations received:

Prish Council Objection comments noted

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

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 (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) 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, adverse impact upon the established character and appearance of the surrounding residential 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 application seeks to remove the existing detached garage and conservatory and replace with single storey extensions on the rear and eastern side.

The single storey side extension will be set back from the front of the dwelling by approximately 0.9m and will be sited approximately 0.9m from the eastern side boundary. It will extend along the side elevation by 12.925m to the rear flank wall of the dwelling. At its maximum depth to the rear it will be 8.070m and front 4.265m with a flat roof height of 3m.

The existing conservatory has a width of 3.1m, depth of 3m with a flat roof height of 2.4m. The proposed extension will be sited approximately 1.5m from the neighbouring boundary of No 16 on the same footprint with a width of 4.6m, depth of 6m and a height of 2.6m which is the same height as the side extension.

With regard to residential amenity the side extension will be sited approximately 0.92m from the neighbouring boundary of No 14 and the proposed extension will be sited 3m-5m from the dwelling. This property has a glazed entrance lobby and two obscure glazed windows on the side elevation fronting No 15 and there are no windows on the side elevation of the proposal. In view of its excessive depth whilst it is considered that there would be no adverse overlooking it would create a loss of outlook to the occupiers of No 14.

The proposed rear extension will be sited approximately 1.5m from the neighbouring property No 16. The Council as a consideration in determining planning applications have adopted a 45 degree rule. This rule is used as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. This property has a bedroom window on the rear and the proposed 45 degree line has been taken from the middle point and does not comply with this rule. In view of its excessive depth it is considered that this would create a degree of overshadowing and loss of outlook to the occupiers of No 16.

The proposed extensions are not considered to be visually subservient to the host dwelling. In view of the excessive depth of the side extension and siting adjacent to the boundary it would erode the spacious appearance which currently exists between the two properties. It would also impact on the symmetry and balance of the pair of dwellings when viewed from the street frontage. The extensions would overdevelop the site and overwhelm the character and appearance of the dwelling.

In view of this the application is recommended for refusal.

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 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 single storey side and rear extension, by virtue of their size and siting would represent an overdevelopment which would detract from the symmetrical appearance of this house and the adjoining semi-detached dwelling. It is therefore contrary to policies GEN7 and DEV19 of the Arun District Local Plan and policies DSP1, DDM1, DDM4 of the Emerging Local Plan and the National Planning Policy Framework.
- 2 The proposed extensions would result in an unacceptable loss of light and outlook to the adjoining residential properties and would have an overbearing impact on the occupiers. It is contrary to policies GEN7 and DEV19 of the Arun District Local Plan and policies DSP1, DDM1 and DDM4 of the Emerging Local Plan and the National Planning Policy Framework.
- 3 **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.