

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

REF NO: **AW/21/14/**

LOCATION: 140 Rose Green Road
 Rose Green
 Bognor Regis

PROPOSAL: Rear chalet extension (north elevation) and loft conversion with side dormer extension (east elevation)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed rear extension measures approximately 7.7m in width, depth of 4m with a maximum height of 5.3m. The proposed dormer on the east side elevation measures approximately 2.7m in width, depth of 2.2m with a height of 2m.
SITE AREA	Approximately 504 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open, rear boundary has fencing approximately 2m in height, east side boundary has close boarded fencing 1.8m in height then hedging approximately 1.6m in height, west side boundary has elevations of timber sheds on neighbouring property No 142 and hedging 1.6m in height.
SITE CHARACTERISTICS	Detached chalet style property with single storey flat roof extension on the rear eastern side (to be removed). The property has rendered walls painted white with red tiles above front canopy, tiled roof and a mixture of wooden and PVCu windows.
CHARACTER OF LOCALITY	Residential road comprising detached chalet bungalows on the northern side and a mixture of terraced properties and flats on the southern side.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:
Aldwick Parish Council

No objection
Members have no objection to the application.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road

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):	SD SP2 Built -Up Area Boundary D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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 application seeks to remove the existing flat roof extension on the rear east side of the dwelling and construct a rear extension with the conversion of the loft and side dormer.

The proposed rear extension will be the whole width of the dwelling and will project out by approximately 4m being the same height and design as the main roof structure. The proposed loft conversion will create two bedrooms and a shower room with the construction of a dormer window on the east side which serves the shower room and, if approved, a condition will be imposed that this window be obscure glazed. The main entrance which at present is on the front elevation will be moved to the eastern side and the dormer will be centred above this entrance. The dormer is

of an acceptable size and height that is visually subservient to the main dwelling. The neighbouring property No 138 to the east has three roof lights on the west side elevation and it is not considered that the dormer would create any adverse overlooking.

The rear extension will be sited to the western side boundary with the neighbouring property No 142. This property has a rear single storey flat roof extension and wooden sheds that are sited to the boundary with No 140. The neighbouring property to the east No 138 is sited approximately 1.6m away and this property has three windows on the rear elevation of the dwelling. It is noted that the existing extension has a rear projection of 3m and the proposed extension will be 4m. The Council have adopted a 45 degree rule which 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. The 45 degree rule has been taken from the middle point of the neighbouring window of No 138 and both the existing extension and proposed would not comply with this rule. However, with adequate boundary screening on both sides and the roof sloping away from both boundaries with an eaves height of 2.5m it is not considered that the extension would create a loss of outlook to the occupiers of No 138 and 142 to recommend refusal. It should be noted that an extension with a rear projection of 4m and height of 4m could be constructed under Permitted Development without the need for the submission of a formal planning application.

The majority of the chalet properties along this side of the road have rear extensions and side dormers so it is not considered that the side dormer would be out of character and appearance within the street scene. The extension being to the rear is visually subservient and will not be visible above the roof line to the front.

It is therefore recommended that the application be approved, 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, Block 1:500, Proposed Elevations Drg No 2 of 3, Proposed Ground and First Floor Drg No 1 of 3, Proposed Roof Drg No 3 of 3 received on 27th January 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 materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The dormer window hereby approved shall at all times be and remain glazed entirely with obscure glass and consist of at least two lights divided horizontally with only the top light capable of being opened.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 **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.