

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

REF NO: **AW/236/13/**

LOCATION: 37 Lincoln Avenue
 Bognor Regis

PROPOSAL: Replacement single storey rear extension. Resubmission of AW/156/13. This application also lies within the parish of Pagham

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed rear extension measures approximately 5.9m in width, minimum depth of 3.6m - 4.9m maximum, height of 2.9m with lantern roof light 3.5m.
SITE AREA	Approximately 312 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open with concrete area for parking, rear has close boarded fencing approximately 1.8m in height, north and south side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Semi-detached chalet style property with rear dormer. Conservatory on rear to be removed. Outbuilding in rear garden. The property has white painted brickwork/render on front elevation, brickwork on rear with a red tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential comprising chalet style properties many of which have rear single storey extensions, side and rear dormers.

RELEVANT SITE HISTORY

AW/151/10/	Summer house with terrace.	ApproveConditionally 28-09-2010
AW/156/13/	Replacement single storey rear extension. This application also lies within the parish of Pagham.	Refused 21-08-2013 Appeal: Dismissed 20 11 2013

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Pagham Parish Council

Objection

Members noted the scale and spatial layout of dwellings in Lincoln Avenue. The applicant site is part of a development of relatively small, compact, semi-detached bungalows.

Notwithstanding the regulatory justification submitted by the applicants agent, concern was expressed at the partial cloaking of the fenestration of the adjacent property by the bulk and length of the proposed extension. Whilst acknowledging the design dilemma of seeking to secure the desired improvement in accommodation within the constraint of a narrow plot, members resolved, on balance, to register objection on the basis of prejudice to the amenity and quiet enjoyment of the adjacent dwelling.

ADC Local Plan 2003 (saved policies)

Gen 7 (ii) Demonstrates that it responds positively to the identified characteristics, creates attractive places and spaces with the needs of people in mind, respects and enhances local distinctiveness

Gen 7 (iv) Does not have unacceptable adverse impact on adjoining occupiers.

Dev19 i) sympathetically relates to and visually integrated with the existing building.

Dev 19 ii) extension is visually subservient to the main building

Dev19 iii) does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Dev 19 v) does not compromise the established spatial character and pattern of the street.

Aldwick Parish Council

No Objection.

Comments on Representations received:

Objection comments noted

The extension being sited on the rear elevation will not be visible within the street so it is not considered that in this instance DEV19(v) applies. It is of a size and height that is considered to be visually subservient to the host dwelling. With regard to residential amenity and impact on neighbouring properties see Conclusions Section of the Officer's Report.

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:

[DEV19](#)

[GEN2](#)

[GEN7](#)

Extensions to existing residential buildings

Built-up Area Boundary

The Form of New Development

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

PRINCIPLE

The site lies within the built up area boundary where development is acceptable in principle subject to development control criteria such as visual and residential amenity.

BACKGROUND

The application for a single storey rear extension is a re-submission of a previously refused rear extension AW/156/13. The previous application was refused on the basis that the rear extension by reason of its rear projection would be detrimental to the residential amenities of the occupiers of the neighbouring property No 35. By reason of its rear projection it was in conflict with the 45

degree rule when measured from the middle point of the bedroom window on the neighbouring property No 35.

VISUAL/RESIDENTIAL AMENITY

The revised plans now show that the rear extension being of the same width and height will be set in slightly from the side boundary with No 35 by approximately 0.3m. The rear projection at this point adjacent to No 35 is 3.6m then extending to a depth of 4.9m. In view of this revision it now complies with the 45 degree line when measured from the mid point of the neighbouring bedroom window. The southern side boundary has fencing approximately 1.8m in height and it is noted that the neighbouring property No 35 has planted hedging behind this fencing which is slightly higher than the fencing. An extension not exceeding 3m in depth and 3m in height could be constructed in this location without the need for the submission of a formal planning application. The rear projection of the extension at this point with No 35 is 3.6m and whilst it is noted that the extension may be visible above the boundary fencing by approximately 1.1m it is not considered that this would create a loss of outlook or unacceptable overshadowing to recommend refusal.

SUMMARY

There are various rear extensions to properties within Lincoln Avenue and it is not considered that the extension being sited to the rear would be visible within the street scene, nor would it harm the established character and appearance of the surrounding residential area.

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

In assessing this proposal a negative 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: Site 1:1250, Block 1:500, Proposed Floor/Elevations/Roof Drg No 4C received on 26th September 2013.

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 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 within the application (as originally submitted. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.