

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

REF NO: **AW/240/14/HH**

LOCATION: 14 Truro Crescent
 Aldwick

PROPOSAL: Single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed rear extension measures approximately 7.3m in width, depth of 4m with a maximum height of 4.2m, eaves height of 2.3m.

SITE AREA

Approximately 475 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Close boarded fencing 1.8m-2m surrounds the rear side boundaries, rear also has fencing plus hedging/tree screening over 2m in height.

SITE CHARACTERISTICS

Detached bungalow with conservatory on rear, detached garage and covered area on east side. The property has red brickwork with white cladding on the front, concrete tiled roof with white window frames.

CHARACTER OF LOCALITY

Residential area comprising semi-detached and detached bungalows of similar style and design.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council

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
Tree Preservation Order
Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	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	
	SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

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 property is a detached bungalow and the application seeks to construct a rear extension to replace the existing conservatory.

The existing conservatory is set in slightly from the side flank walls of the dwelling and projects out by approximately 2.5m with a maximum height of 2.9m. The proposed extension which will follow the roof line of the existing dwelling will be the whole width of the dwelling with a rear projection of 4m. It is considered that the extension is visually subservient to the host dwelling in terms of its size and height.

The neighbouring properties to the rear in The Spinney/Westminster Drive are sited approximately 25m-40m away. The property to the east No 16 has a garage that is set in line with the garage at No 14. The extension being positioned behind this garage will not be readily visible to the occupiers or create a loss of outlook. The immediate property to the west No 12 is set forward of No 14 and sited approximately 4m away. The Council as a consideration in determining planning applications have adopted a 45 degree rule which is a tool used to balance the interest of those wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. In this instance the 45 degree line has been taken from the middle point of the neighbouring window on the rear and complies with this rule.

The extension being to the rear will not be visible within the street scene, nor would it harm the character and appearance of the surrounding residential area or have an adverse impact on the residential amenities of the occupiers of the neighbouring properties.

It is 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 received on 9th September 2014.

Location, Block, Proposed Floor, Proposed Elevations, Section Sheet 1 of 2.
Existing Floor, Elevations, Existing Roof, Proposed Roof Sheet 2 of 2.

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 **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.