

**Recommendation Report for Planning Permission for Works or Extension to a Dwelling****REF NO:**      **AW/253/13/****LOCATION:**    23 Lincoln Avenue  
                    Rose Green  
                    Bognor Regis**PROPOSAL:** Flat roof dormer to the front elevation. This application also falls within the parish of Pagham**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                                                                                                                                                         |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | Flat roof dormer to the front elevation.                                                                                                                                                                                                                                                                                |
| SITE AREA                   | Approximately 300m2                                                                                                                                                                                                                                                                                                     |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                                                                                                                                     |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                                                                                                                                                                                      |
| TREES                       | No trees affected.                                                                                                                                                                                                                                                                                                      |
| BOUNDARY TREATMENT          | Closed board fencing along the northern and southern boundaries of the site. Approximately 1.0 metre tall to the front of the property and 1.8 metres tall to the rear.                                                                                                                                                 |
| SITE CHARACTERISTICS        | A small single storey semi-detached dwelling formed of concrete render walls and small brown roof tiles sited on a long, narrow residential plot.                                                                                                                                                                       |
| CHARACTER OF LOCALITY       | <p>A residential area comprising relatively similar single storey semi-detached dwellings with steep roof pitches and regular front setbacks.</p> <p>A number of properties along Lincoln Avenue have evidence of alterations and improvement including the inclusion of front dormers and hip to gable extensions.</p> |

**RELEVANT SITE HISTORY**

|            |                                                                                    |                                    |
|------------|------------------------------------------------------------------------------------|------------------------------------|
| AW/4/92    | Extension to form 3no.bedrooms and bathroom. Room in roof with rear dormer window. | ApproveConditionally<br>03-02-1992 |
| AW/271/06/ | Alterations to roof to form dormered bedroom.                                      | ApproveConditionally<br>15-12-2006 |

The approved but expired consent granted subject to application AW/271/06 is noted. This previously approved scheme is a very similar proposal to the one currently under consideration.

**REPRESENTATIONS****Representations received:**

Aldwick Parish Council  
Pagham Parish Council  
- no objection

pagham Parish Council - no objection

**Comments on Representations received:**

No comments

**CONSULTATIONS**

**Consultations responses received:**

None

**Comments on Consultation responses:**

N/A

**POLICY CONTEXT**

Designation applicable to site:  
Within Built Up Area Boundary

**DEVELOPMENT PLAN POLICIES**

|                           |                       |                                              |
|---------------------------|-----------------------|----------------------------------------------|
| Arun District Local Plan: | <a href="#">GEN2</a>  | Built-up Area Boundary                       |
|                           | <a href="#">GEN7</a>  | The Form of New Development                  |
|                           | <a href="#">DEV19</a> | Extensions to existing residential buildings |

**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

report

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 existing property is a semi-detached property with a full hipped roof. The applicants have indicated that they intend to increase the area of the original roof space by constructing a hip to gable extension and introducing a dormer window to the rear roof slope using permitted development rights afforded to householders under Part B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The applicants have not submitted a certificate of lawfulness for these proposed amendments and it is not the place of this application to determine whether the proposals are indeed permitted development.

This application is determined on the assumption that the works are permitted development and is not a determination of the Local Planning Authority in this regard.

#### **PRINCIPLE**

The site is located within the built-up area boundary as defined by Local Plan Policy GEN2 therefore the principle of development is acceptable subject to normal development control criteria such as residential amenity and visual amenity.

#### **VISUAL AMENITY**

Lincoln Avenue is a residential road consisting originally consisting of a number of symmetrical semi-detached hipped roof type dwellings. Over time the homes on this road have been extended by the owners with examples of front dormers and hip to gable extensions visible on the street scene. These developments have disrupted the symmetrical elements of the semi-detached dwellings and contribute significantly to the evolving character of the area.

As such, it is considered that while the proposed front dormer will significantly disrupt the symmetry and appearance of the dwelling, the proposed development must be considered in the context of the surrounding street scene. Due to the preponderance of front gables in the area, the proposed development is not considered to be harmful to the character of the area and is considered acceptable.

#### **RESIDENTIAL AMENITY**

The proposed dormer is located on the front roof slope and therefore overlooks the public highway. The proposed dormer is approximately 26.5 metres from the nearest houses opposite

which is sufficiently distant to maintain the existing level of privacy of these homes. The proposal is therefore not considered to have an adverse effect on the residential amenity of surrounding residences.

## **CONCLUSION**

The proposed front dormer is considered to have an acceptable impact on the character and appearance of the surrounding area, and is unlikely to impact on the residential amenity of the surrounding residences. The application is therefore considered acceptable subject to the conditions set out below.

## **HUMAN RIGHTS ACT**

### **FOR APPROVAL**

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 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.

As a neutral impact has been identified, no mitigation measures are proposed.

## **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:

SB/13/163/1  
SB/13/163/2

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the flat roofed dormer 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.