

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

REF NO: AW/292/13/

LOCATION: 1 Tithe Barn Close
Bognor Regis

PROPOSAL: New dormer and window. This application affects the character and appearance of Aldwick Bay Conservation Area (Extended)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed dormer is to be sited on the eastern elevation of the property and measures approximately 7m in length, approximately 3.3m in depth and approximately 2.4m in height. The window in the dormer has been indicated on the plans as being obscured glazed with a top hung opening sash. The base of the dormer window will be set at least 1.7m above internal floor level. Materials to match existing.
SITE AREA	Approximately 560 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front with close boarded fencing at approximately 1.8m in height to the rear.
SITE CHARACTERISTICS	A two storey detached property with natural stone elevations with tile hanging above. The roof is pitched with plain roof tiles. There is an existing dormer on the east-facing roofslope and a PVCu conservatory to rear.
CHARACTER OF LOCALITY	Situated within a Private Estate, the area is wholly residential in character with generally two storey detached properties set within spacious plots.

RELEVANT SITE HISTORY

AW/59/05/	Proposed dormer for additional en-suite bedroom. Demolish existing single garage and out buildings for extension to existing kitchen, utility & conservatory. Provide additional entrance for swept driveway.	ApproveConditionally 11-05-2005
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REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee

No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[DEV19](#)

[AREA2](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

Conservation Areas

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

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant Arun District Local Plan policies GEN7, DEV19 and AREA2 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a dormer to be sited on the eastern roofslope of the property. There is an existing dormer in this roofslope which will be replaced by the proposal. The proposed dormer has a length that is approximately 2m greater than the existing dormer.

The dormer is considered acceptable in design terms by virtue of it being well set down from the ridge height of the roof and is broadly central within the large roofslope. It will also be built from matching materials and so offers good visual integration with the host property. Consequently, the dormer is considered to preserve the special character of the Conservation Area. It is therefore considered that the dormer complies with policies GEN7(ii), DEV19(i) and AREA2 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The dormer window has been indicated in the plans as being obscured glazed with a top hung opening sash. This is considered to remove any opportunity for overlooking on to the neighbouring property of No. 2 Tithe Barn Close. A Condition is also recommended to be placed on this permission to ensure that this obscure glazing will remain in place. There is also a sufficient distance retained to the immediately neighbouring property of 2 Tithe Barn Close to ensure that the dormer will not cause any harmful overshadowing or overbearing effects. It is therefore considered to comply with policies GEN7(iv) and DEV19(iii) of the Local Plan.

It is therefore recommended that the application be approved, subject to the following 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 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: drawing numbers SBS/138 (Location plan), SBS/138/06A (Site and block plan), SBS/138/01 (Existing first floor plan), SBS/138/03 (Existing elevations), SBS/138/02 (Proposed elevations), SBS/138/04A (Proposed elevations) and SBS/138/05 (Existing and proposed roof plans) all dated September 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls, cheeks and roof of the dormer hereby permitted shall match in colour and texture to 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 window in the east elevation of the dormer hereby approved shall at all times remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7 and 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.