

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

REF NO: **AW/318/13/**

LOCATION: 43 Cambridge Drive
 Bognor Regis

PROPOSAL: First floor bedroom extension with porch re built.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed first floor extension measures approximately 3.5m in width, depth of 7.1m with a height of 6m. The proposed porch measures approximately 3.2m in width, depth of 1.5m with hipped roof extending along the garage and porch by 7m.
SITE AREA	Approximately 310 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is paved with grass and open to the highway, hedging and fencing to rear and side boundaries.
SITE CHARACTERISTICS	Detached two storey property with flat roof garage on eastern side. The property has red brickwork, green tile hanging on front elevation on upper level, concrete tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising detached two storey dwellings and bungalows of similar style and design.

RELEVANT SITE HISTORY

AW/262/89	New Garage and Granny Annexe	Approved Cond + S106 31-01-1990
BE/1/69	Garage	ApproveConditionally 29-01-1969

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

PDR Open Plan Condition

PDR on AW/262/89 Conditions 3 & 4 relating to ancillary occupation and windows.

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

The application seeks to extend above the flat roof garage with a first floor addition which will comprise a bedroom and bathroom with the rebuilding of the front porch.

The garage is sited on the eastern side of the dwelling and there is a flat roof extension on the rear that projects out from the rear flank wall of the dwelling by approximately 5.7m. The proposed first floor addition which will comprise a bedroom and bathroom will be sited above the garage and will be the same width and depth as the host dwelling with the ridge height being no higher than the existing.

The existing porch which has a flat roof is to be removed and the new porch which will have a hipped roof will be approximately 3.2m in width, depth of 1.5m. The addition of a new hipped roof will extend across the porch and garage to form a continuous line.

With regard to residential amenity there are no properties directly to the rear and the immediate property No 41 is set forward of No 43 and there is a single storey garage that is sited adjacent to the proposal. The main dwelling is sited approximately 4m away and on the side flank wall to the front there is a door and window at ground floor level and two obscure glazed windows at first floor level. There are no windows at first floor level on the proposal and whilst the first floor addition may create some overshadowing at certain times of the day it is not considered that this would be of an unacceptable level to recommend refusal. With regard to the rear window which serves a bathroom, if approved, a condition will be imposed that this be obscure glazed.

The extension and porch is considered to be visually subservient to the main dwelling and would not compromise the pattern of the street scene or 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

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: Site/Block Drg No 5026/01, Proposed Ground Floor Drg No 5026-05, Proposed First Floor Drg No 5026-03, Proposed Elevations Drg No 5026-07 received on 2nd December 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 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 No windows shall be constructed in the south side elevation of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The bathroom window on the rear elevation of the extension shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 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.