

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

REF NO: **AW/326/12/**

LOCATION: 5 Elizabeth Avenue
 Bognor Regis

PROPOSAL: Loft conversion with side dormer extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The dormer window will measure 3.7 x 5.9 x 2.4 metres.
SITE AREA	Approximately 392 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low stone wall and pillar to front boundary. 1.5-1.8 metre hedge to side boundary.
SITE CHARACTERISTICS	Semi-detached bungalow with mono pitch roof. Brick elevations, painted white, with bay window to front elevation and single storey pitch roof additions to side, faced in grey and white eternit cladding.
CHARACTER OF LOCALITY	Residential road of low-density, semi-detached pitch roof and shallow hip roof bungalows of identical character and design.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members have no objection to the application.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 conflict with relevant Development Plan policies in that it would not be visually subservient to the host dwelling and would have a materially adverse effect on the

visual amenities of the locality.

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 is located within the built-up area boundary where the principle of new development is acceptable, subject to proposals having an acceptable impact on visual and residential amenity.

DESIGN AND VISUAL AMENITY

The proposal seeks to provide additional habitable accommodation at first floor level in the roof with the addition of a flat roof dormer. The dormer will measure 3.7 metres in depth, 5.9 metres in width and 2.4 metres in height. It will be positioned on the side roofslope, approximately 400 mm above the eaves.

The property is a modest, semi-detached bungalow with a mono pitch roof. It is located in a predominantly residential area comprising low density, semi-detached bungalows with pitch, gabled roofs and shallow hip roofs of identical character and design.

The proposed dormer window is considered to be an excessive size and scale, and disproportionately large in relation to the size of the roof. The dormer will add significant bulk and mass to the roofline of the bungalow and will unbalance the symmetry of the adjoining semi at no. 6. It is considered to be unduly dominant and overbearing in relation to immediate semi-detached bungalows on the eastern side of Elizabeth Avenue. As a consequence, it is considered to have an adverse impact on the visual amenities of the local area and to compromise the established spatial pattern of the street.

Although properties in Lincoln Avenue have extended into the roof to provide large, front dormer windows (nos 81,77, 83), these predate the National Planning Policy Framework, which states at paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. None of the immediate semi-detached bungalows on the east side of Elizabeth Avenue has extended into the roof; therefore, the proposal would set an unwelcome precedent. A smaller dormer that is less visually obtrusive within the streetscene would be considered more acceptable in design terms.

RESIDENTIAL AMENITY

The siting of the dormer will have no adverse impact on the residential amenity of no. 5 to the north through overlooking or loss of privacy. Two flank windows are proposed, but these will overlook the neighbouring property's roof.

SUMMARY

In summary, the proposed dormer is considered to be disproportionately large and out of scale with the roofline of the host bungalow. It is considered to be a poor design that is visually obtrusive and harmful to the immediate streetscene on the eastern side of Elizabeth Avenue. It is therefore recommended that consent is refused on the following grounds.

HUMAN RIGHTS ACT

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 to private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 the following impacts (Neutral) have 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

REFUSE

- 1 The proposed loft conversion with side dormer window, by reason of its disproportionate size and scale, would be out of scale with the roofslope of the existing bungalow and unduly prominent within the streetscene, in conflict with policies DEV19 i) v) and GEN7 of the Arun District Local Plan and paragraph 64 of the National Planning Policy Framework.
- 2 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.