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

REF NO: **AW/68/13/**

LOCATION: 119 Nyetimber Lane
Bognor Regis

PROPOSAL: Front chalet extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	- Construction of two storey front extension, 4.6m deep x 4.2m wide x 6.6m high. - Bay window at ground floor level. - Dining room on ground floor and bedroom on first floor. - Brick and tile to match existing, UPVC windows.
SITE AREA	Approx. 576sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front open, 2m timber fence to northern boundary, 1-2m timber fence to southern boundary.
SITE CHARACTERISTICS	Detached two storey dwelling.
CHARACTER OF LOCALITY	Two storey detached dwellings.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Comments on Representations received:

Noted

CONSULTATIONS

Consultations responses received:

Nil

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	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, adopted in 2003.

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 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

PRINCIPLE
The subject site is located within the built-up area boundary where the principle of development is acceptable.

GEN7 FORM OF NEW DEVELOPMENT
The proposal responds to the constraints of the site and does not adversely impact on surrounding properties.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS
Visual Amenity
The proposed two storey front extension is sympathetic to the existing building, being designed and using materials to match.

Proposal increases GIA by 35.9sqm. Depth of extension is 4m, more than half the depth of the original dwelling of 7.5m, however extension is 4.2m wide, less than half the width of the original dwelling of 10m. Extension is considered to be subservient to the existing dwelling and is acceptable in this instance.

The proposed first floor is located 0.9m from the boundary. No. 117 is located 3.5m away and the separation and minor conflict with the 1m provision is acceptable in this instance.

With the proposed extension the dwelling will retain an 8m setback from the front boundary.

Residential Amenity
Some shadow will fall to the property to the north at No. 117 in the afternoon but will not result in a materially adverse amenity impact.

There are no windows in the northern elevation of the proposed extension, the windows to the front elevation face the street elevation and are 8m from the front boundary. The southern elevation window to the dining room on the ground floor is 8.5m from the side boundary and located behind a fence. An adverse impact as a result of overlooking will not occur.

The two storey front projection is 4m from the nearest dwelling at No. 117. The front elevation of No. 117 is orientated approximately 20 degrees to the north and is not directly adjacent. An overbearing impact will not occur. The two storey front projection is 9.5m from the dwelling at No. 121 and will not cause an overbearing impact.

SUMMARY
The proposal is acceptable in relation to relevant policies and is recommended for approval 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

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: Sheet 1 of 3, Sheet 2 of 3 and Sheet 3 of 3.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 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: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

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.

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