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

REF NO: **AW/96/14/HH**

LOCATION: 1 Aldwick Place
Bognor Regis

PROPOSAL: Extension to detached garage to form private fitness room (resubmission following AW/10/13/).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Extension to the detached garage to form an extended garage and fitness room. It measures approximately 5.7m in width, depth of 7m and a maximum height of 4m, eaves height of 2.7m.
SITE AREA	Approximately 584 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	Trees to north of site but not affected by the proposed development.
BOUNDARY TREATMENT	Grassed area to front which is open to the walkway/highway, west side boundary fronting High Trees 1.8m fence with hedging in front 2m in height, north side boundary has shrubs/tree screening over 2m in height, east side boundary has close boarded fencing/trellis 1.8m in height.
SITE CHARACTERISTICS	Modern detached two storey dwelling with pitched, gabled roofline and mono pitched tiled roof. First floor balcony to front and open sided first floor balcony to rear. Detached flat roof double garage in rear garden on north boundary (subject of this application). The property has light beige brickwork, red tile hanging on front upper level, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential which is open plan in character. Detached two storey dwellings of same character and design with distinctive mono pitched roofs. To the north and west public open space with various trees.

RELEVANT SITE HISTORY

AW/149/98/	1st floor extension	ApproveConditionally 06-11-1998
AW/185/98/	Erection of new boundary wall.	Refused 15-01-1999
AW/89/04/	Rear two storey extension	ApproveConditionally 17-06-2004
AW/10/13/	Extension to detached garage to form private fitness room and games room	Refused 21-03-2013

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection (1st Consultation)
Members strongly object to the application on the grounds that it does not respond positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of the people in mind and because it has an unacceptable adverse impact on adjoining occupiers, land, uses of property. Therefore, Members agreed that the application is in direct conflict with Policy GEN7 of the Arun District Local Plan 2003 and with the Development Criteria of Aldwick Parish Council's Parish Design Statement (P.33).

2nd Consultation re substitute plans
Members have no objection to the application.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Area of Special Character
Tree Preservation Order
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA1	Areas of Special Character
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
HER DM4 Areas of Special Character
SD SP2 Built -Up Area Boundary

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 215 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters/policies have been published.

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 site is located within the built up area boundary where the principle of new development is acceptable, subject to the impact on visual and residential amenity. It also abuts an Area of Special Character which is to the east and north of the site.

HISTORY
A previous application AW/10/13 for a detached garage to form a private fitness room and games room was refused on the basis that the disproportionately large size and scale represented an aline and obtrusive addition to the streetscene, character of the area. In view of its siting in close proximity to neighbouring boundaries it was unneighbourly and overbearing.

DESIGN AND VISUAL AMENITY
The garage is sited on the north side boundary and set back from the highway by approximately 5m. The revised plans have drastically reduced the depth of the garage from 14m to 7m. The overall width is slightly larger from 4.5m to 5.7m and the mono pitched roof has a maximum height of 4m. The extension will be brick matching the existing building and host dwelling with a tiled roof. The reduced structure now sits more comfortably within the plot and does not introduce a sence of enclosure into the rear garden.

RESIDENTIAL AMENITY
There are no neighbouring properties to the west and the building would be located 8.6m from the neighbouring property to the east No 3 Aldwick Place. The height of the building at this point is 3m so it is not considered that this would be overbearing or create a loss of outlook.

In relation to the property to the rear No 1 Shipfield the building which has now been substantially reduced in depth will now be sited approximately 15m away from this property. Whilst it is noted that the roof line may be visible from the rear garden of this property above the boundary screening given adequate distance it is not considered that this would create a loss of outlook to the occupiers to recommend refusal.

HIGHWAYS AND PARKING

No changes are proposed to the vehiclar crossover and adequate off-street parking is retained on the front drive and access to the garage.

SUMMARY
The proposed extension to the garage is now considered to be of an acceptable size and height which is more in keeping with the overall size of the plot. Its design and appearance is more in keeping with the host dwelling and would not compromise the established character and appearance of the surrounding residential area or the Area of Special Character.

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: Location, Block Drg No 0027-004D, Proposed Floor Drg No 0027-002G, Proposed Elevations Drg No 0027-003G received on 11th June 2014.

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 of the extension and roof 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.