

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

REF NO: **A/34/12/**

LOCATION: 44 Merryfield Crescent
Angmering

PROPOSAL: Conservatory to rear & side walls. Porch to front entrance door & realignment of existing boundary wall

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed conservatory will extend 2.7 metres back from the rear wall of the dwelling. It measures 6.7 metres in width, taking it beyond the existing side elevation of the dwelling, with the eastern elevation wall projecting 3.95 metres, creating a partial wrap around. In addition, an existing curved boundary wall to the east of the dwelling is to be replaced with a straightened section of 2 metre high wall. A new porch extension to the eastern elevation is shown on the accompanying plans, however, this feature does not form part of the application is the applicant correctly states that it represents Permitted Development as defined in Class D of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
SITE AREA	Approximately 290 square metres.
TOPOGRAPHY	Predominantly flat
TREES	There is a modestly sized tree close to where the altered wall would be positioned. The applicant has stated that this tree will not be affected by the works. In any case, the tree is not the subject of a Tree Preservation Order, nor is it considered to be worthy of such status.
BOUNDARY TREATMENT	The site frontage is open. The rear garden is enclosed by approximately 2 metre high timber fencing, with panels positioned between brick piers. There is curved section of 2 metre high brick walling at the entrance to the rear garden.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two-storey dwelling that has red/brown brick elevation walls, with white painted weatherboarding above ground floor window heads. The roof is tiled and gable ended.

CHARACTER OF LOCALITY

The site is located on a residential road that is characterised by semi-detached two-storey dwellings that are set back from the road with open frontages, lawns and grass verging producing a verdant and spacious character and appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection to the conservatory, but objection to the boundary wall being moved as there is no evidence provided that this will not adversely affect the nearby tree.

Comments on Representations received:

Noted. The application forms supporting the application state that the tree will not be affected by the proposed works. In any case, the tree is not subject to any statutory protection, nor is it considered to be worthy of it.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[DEV19](#)

Built-up Area Boundary
The Form of New Development
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.

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 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 Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual or residential amenities.

VISUAL AMENITY:

The proposed conservatory may be partially visible from the street due to the orientation of the dwelling in relation to the road. However, the structure will be largely screened by the existing 2 metre high site boundary treatment. The conservatory will also be positioned away from the site boundary, further limiting visual impact, and it is not considered that it will result in an incongruous feature within the street scene. The replacement wall will be in largely the same position as the existing wall, with the only alteration in appearance being the straightening of the current curved feature. The wall is positioned away from the edge of the site, with the open lawns to the front not being affected, and, as such, it would not compromise the open and spacious nature of the immediate locality. It is therefore considered that the character and appearance of the surrounding area will not be adversely impacted by the proposal.

DESIGN & SCALE:

The proposed conservatory is single-storey and of modest proportions in comparison to that of the existing two-storey dwelling. It is considered that this will ensure that it maintains visual subservience towards the host dwelling. The conservatory will be brick walled and this will help it visually integrate with the brick walled dwelling. Additionally, it is considered that the mono-pitched roof will compliment the pitched roof of the main building. The proposed wall will be built to the same height of as the existing walls and is set back towards the rear of the site where it will not obscure the principle elevations of the building.

RESIDENTIAL AMENITY:

With regards to the amenities of neighbouring residents, it is noted that the western wall of the conservatory will obstruct a 45 degree visibility splay taken from a ground floor rear window on the adjoining property. However, the height of this single-storey wall, which reaches a maximum of three metres means that it would not produce undue levels of overshadowing towards this property, above that which is already caused by the 2 metre high boundary treatment in place. It

should also be noted that an extension of this height, projecting a further 250mm alongside this site boundary, could be erected under householder permitted development rights. Further, it is not considered that the single-storey structure would appear overbearing towards neighbouring properties. Any views realistic outward views from the windows and openings installed would be obstructed by existing site boundary treatment and would not be intrusive towards neighbouring residents. The presence of the proposed wall, in terms of impact upon residential amenities, will be largely the same as is produced by the existing wall.

SUMMARY:

It is considered that this report has demonstrated that the proposed works would not result in and adverse impact upon visual or residential amenities and, as such, is in accordance with relevant planning policies.

It is therefore recommended that the application is approved, subject to the following conditions.

SUMMARY:

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 it has been deemed that it would have a neutral impact 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 plan:-

2212:1;

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 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: GEN2, GEN7, DEV19

NATIONAL POLICIES: NPPF

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