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

REF NO: **BE/108/13/**

LOCATION: 39 Osprey Gardens
Bognor Regis

PROPOSAL: Proposed new two storey extension to the north elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed two storey extension measures approximamtely 2.4m in width, depth of 8m with a height of 8.6m.
SITE AREA	Approximately 180 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is partly open then hedge approximately 1m in height, rear has wall approximately 2m in height, side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Two storey semi-detached property with front porch, conservatory on rear. Wooden access gates on north side. The property has reddish/brown brickwork, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising semi-detached properties of similar style and design.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

Southern Waters current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any future works commence on site. Any new connections will require a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Comments on Consultation responses:

Southern Water comments noted

If approved, an informative will be placed on any consent regarding connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
No Public Sewer
PDR Open Plan Condition

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.

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 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 construct a two storey extension on the northern side of the dwelling.

The proposed two storey extension will be sited to the boundary with the neighbouring property No 41. It will be set in line with the front elevation and will extend the whole depth of the dwelling with a width of 2.4m, depth of 8m and the roof height will be no higher than the existing. The extension is considered to be visually subservient to the host dwelling in terms of its size and height.

There are no properties directly to the rear. The immediate property to the north No 41 is sited approximately 2.5m away and has two wooden sheds that are sited adjacent to the boundary fencing. There is a window at first floor level on the south side which serves the landing area. There are no windows proposed on the north side elevation of the extension. With the absence of windows it is accepted that the extension may create some overshadowing at certain times of the day but it is not considered to be of an unacceptable level to recommend refusal.

The extension will be radily visible within the street but an area to the front will still be retained for parking. The proposal would not have an adverse impact on the visual amenities of the locality, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended to approve the application, 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/Proposed Elevations Drg 3/4 dt 30.10.13, Site Plan /Existing Elevations Drg No 2/4 dt 30.10.13, Existing/Proposed Floor/Roof Drg No 1/4 dt 30.10.13, Cross Section Drg No 4/4 dt 30.10.13 received on 19th 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 north side elevation of the extension hereby permitted which adjoins the side boundary with No 40 Stoneage Close 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 INFORMATIVE: Any new connections will require a formal application for a connection to the public foul sewer to be made by the applicant or developer. The applicant is advised to discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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.