

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** BE/111/12/**LOCATION:** Babsham House
Babsham Lane
Chichester Road Bognor Regis**PROPOSAL:** Removal of existing lean-to and replace with new conservatory**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	1,262 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Weeping Ash Tree on side boundary and Copper Beech Tree to front.
BOUNDARY TREATMENT	1.8 metre high timber panel fence to front boundary. 1.5 metre wall to side and 1.8 metre timber panel fence to side.
SITE CHARACTERISTICS	Detached two storey dwelling constructed from red brick with tile hung elevations, hipped, tiled roof and front porch. Property has a single storey side extension.
CHARACTER OF LOCALITY	Ribbon of residential development located on a secondary access road off the A29 outside the built-up area boundary.

RELEVANT SITE HISTORY

BE/91/80	First floor extension over lounge to provide dressing and bathroom	Approve Conditionally 20-08-1980
BE/46/83	Extension	Approve Conditionally 04-05-1983
BE/104/84	Single storey extension at rear to enlarge kitchen	Approve Conditionally 19-09-1984
BE/103/85	Proposed bungalow and garage	Approve Conditionally 09-09-1985

REPRESENTATIONS

Representations received:

Bersted Parish Council

Awaited.

Comments on Representations received:

Awaited.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside built-up area boundary

Class A road

Special Control Adverts

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[DEV19](#)

[GEN3](#)

[GEN7](#)

Extensions to existing residential buildings

Protection of the Countryside

The Form of New Development

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 residential and visual 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 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 outside the built-up area boundary where new development is strictly controlled in order to preserve the rural amenities and intrinsic character of the countryside. In such locations, extensions and alterations to dwellings are permitted provided they comply fully with policy DEV19.

DESIGN AND VISUAL AMENITY

The application seeks consent for the demolition of an existing glazed, lean-to and the construction of a conservatory. The conservatory will have a glazed, hip roof with glazed elevations above a brick plinth wall. It will measure 3.5 metres in depth, 3.4 metres in height to the pitch and 6.6 metres in width, and be positioned on the front elevation of the dwelling.

The existing lean-to is of no architectural merit and there is no objection to its removal. The proposed conservatory, although large, is visually subordinate to the host dwelling and an appropriate scale and design. The hip roofline respects the host dwelling and the fenestration is in keeping with the original timber sash windows of the host dwelling. The brick plinth will be constructed in matching external materials.

The application property is located at the east end of Babsham Lane off Chichester Road. The property has a large front garden (approximately 15 metres deep) and the site is well screened to the front by high boundary fencing, mature planting and a Copper Beech Tree. The proposal is an appropriate scale and will have no adverse effect on the visual amenities of the surrounding open countryside.

The proposed conservatory is sited sufficient distance from a mature Weeping Ash Tree on the side boundary and a Copper Beech Tree to the front of the property, such that there will be no harm to either Tree.

RESIDENTIAL AMENITY

With regard to residential amenity, ample separation is retained to the side boundary adjoining Woodies to the southeast of 10 metres. The proposal will have no impact on Babsham Lodge to the north, being set further forward in the plot. The proposal will therefore have no adverse impact

on residential amenity.

SUMMARY

In summary, it is therefore recommended that consent is granted, subject to the conditions outlined below.

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) 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 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

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: existing floorplan, existing front elevation, existing left hand side elevation, existing right hand side elevation, proposed floorplan, proposed front elevation, proposed right hand side elevation, proposed left hand side elevation, drawings of conservatory with measurements, received on 26 September 2012.

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 conservatory hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy GEN7 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, GEN3, DEV19

NATIONAL POLICIES: National Planning Policy Framework (2012)

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