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

REF NO: **BE/120/14/HH**

LOCATION: 13 Newtown Avenue
Bognor Regis

PROPOSAL: Two storey side & single storey rear extensions (resubmission following BE/68/14/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed two storey side extension measures approximately 2.3m in width, depth of 7m with a maximum height of 8.2m. The single storey addition measures approximately 2.3m in width, depth of 3m with a height of 3.2m.
SITE AREA	Approximately 232 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has wall approximately 1.2m in height with paved driveway to garage, rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Semi-detached two storey property with attached flat roof garage on eastern side. Single storey flat roof addition on rear. The property has red brickwork on lower level, rendered walls, tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential road comprising two storey semi-detached properties of similar style and appearance, many of which have been extended to the rear.

RELEVANT SITE HISTORY

BE/68/14/HH	Proposed two storey side extension & single storey rear extension	Refused 30-07-2014

REPRESENTATIONS

Representations received:

Bersted Parish Council

Objection
On the grounds that the extension build does not conform to the policies of the North Bersted Neighbourhood Plan in the following ways:
ES1 the design does not contribute to the street scene and still is too close to the neighbouring house.
HDQ2 the extension does not integrate with surrounding houses.
Plus the loss of the garage means extra parking on an already over-stressed street scene.

Comments on Representations received:

Parish Council objection comments noted
See conclusions section of the officer's report regarding impact on the street scene and loss of garage.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water
It appears that the developer is intending to build close to a public foul sewer which is crossing the site. The conditions associated with the build over/close to a sewer are contained in Southern Water's guidance notes.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

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 further works commence on site.

We request that should this application receive planning approval, an informative is placed on any consent.

Comments on Consultation responses:

Southern Water comments noted
If approved, an informative will be placed on the consent regarding connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local		D DM1 Aspects of Form and Design

Plan (October 2014):	Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP2 Built-Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Bersted Neighbourhood Plan has been made and in this instance it is considered that policy ES1 applies.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality, character and appearance of the street scene.

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 is a re-submission of refusal BE/68/14/HH for a two storey side and single storey rear extension.

The two storey semi-detached property is sited within a residential road where the dwellings are in similar styles, many of which have been subject to some alteration, mainly in the form of single attached garages, side and rear single storey extensions and outbuildings.

The property has an attached garage on the eastern side and a rear single storey flat roof extension which is the whole width of the dwelling. The proposal seeks to remove the attached garage and rear flat roof wc extension and construct a two storey side extension. The amended plans have reduced the length of the extension and its siting which is now approximately 0.2m away from the neighbouring boundary. The two storey extension is set back from the front flank wall of the dwelling by 0.5m with the roof height being slightly lower than the main ridge height. The flat roof single storey addition on the rear which has a rear projection of 3m will be sited behind the two storey element and will link up with the existing flat roof extension being the same height. The extension has been designed to respect the style of the existing dwelling.

With regard to residential amenity the immediate property No 11 has a car port that is sited to the boundary with No 13 and on the rear there is a flat roof single storey addition. There are two windows on the west side elevation, one at ground floor level and one at first floor level which serves the landing. In view of the existing side extension it is not considered that the proposed two storey extension would create a loss of outlook or unacceptable overshadowing to recommend refusal.

It is noted that the siting, reduced length and roof height has been reduced. However, within the street scene there is the absence of two storey elements and this retains an open and spacious appearance at first floor level which contributes to a feeling of space which is in conflict with Policy DEV19(v).

It is not considered that the loss of the garage would increase the need for parking as there is adequate space to the front of the extension to provide parking within the site.

I am aware of the applicant's wish to provide additional accommodation for his family, but this does not outweigh the harm caused.

Taking this into account the application is recommended for refusal for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 The proposed two storey extension adjacent to the eastern side boundary of the site with No 11 would by reason of its scale, height and massing result in an erosion of space which would be out of character and appearance within the street scene in conflict with policies DEV19(v), GEN7 of the Arun District Local Plan, policies DDM1 & DDM4 of the Emerging Local Plan and policy ES1 of the Bersted Neighbourhood Plan.

2 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 with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for refusal.