

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

REF NO: BE/130/14/HH

LOCATION: 25A Central Avenue
Bognor Regis

PROPOSAL: Flat roof rear extension & new gable to main roof with flat roof dormer

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

New tile gable roof to replace hip.

The proposed rear dormer measures approximately 4.7m in width, depth of 2.5m with a height of 2m.

The proposed single storey extension to rear measures approximately 6m in width, maximum depth of 5.7m with a maximum height of 3.3m to include roof lights.

The rear extension behind garage measures approximately 2.7m in width, depth of 5.3m with a maximum height of 3.3m to include roof lights.

SITE AREA

Approximately 297 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Front has wall under 1m, rear has hedging over 2m in height, close boarded fencing approximately 1.8m in height to east side boundary, close boarded fencing with hedging approximately 2m in height to west side boundary.

SITE CHARACTERISTICS

Semi-detached two storey property with attached flat roof garage. The walls are rendered with red tile hanging above bay window on front elevation, pebbledash on rear elevation, tiled roof with white window frames.

CHARACTER OF LOCALITY

Residential with terraced and semi-detached properties of similar styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection

Committee raised concerns about the size and design of the flat roof extension.

2 Letters of Objection (from same source)

Planning notice has not been displayed.

The two garages which serve Nos 25A & 27 have a shared flat roof and a single brick party wall built to the boundary.

Builder appears to have used this gap between our two walls as his boundary line.

The proposed roof alteration and close proximity to our house will plunge our bathroom and landing windows into instant shade.

Due to the close proximity of the extension it will cause excessive shading.

Comments on Representations received:

Parish Council comments noted.

See conclusions section of the officers report regarding the 45 degree rule and impact on neighbouring properties.

Objection comments noted

At the time of the officer's visit on the 11th November a planning notice was displayed on the lamp post outside of No 29 Central Avenue.

The Party Wall Act 1996 is not covered by Planning or Building Regulations.

The construction work will be the subject of Building Regulations.

Inconvenience or other problems caused by building works is not a material planning consideration.

The extension and roof alterations with regard to impact on neighbouring properties is covered in the conclusions section of the officer's report.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV19](#)
[GEN2](#)
[GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality

[Bersted Neighbourhood Plan 2014 Policy ES1](#)

D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary
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 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 alter the roof line from a hipped to gable with a flat roof rear extension and flat roof dormer.

The existing conservatory on the rear which also extends across the dwelling and rear of the garage is to be replaced by a flat roof single storey extension which will be the whole width of the main dwelling with a maximum rear projection of 5.7m and height of 2.9m. To provide additional light into the garden room three lantern roof lights will be installed above the extension and this will increase the height to 3.3m. The garage which has previously been extended on the rear is to be replaced by a single storey flat roof extension and this extension will project forward of the neighbouring extension at No 27 by approximately 1m.

The proposal also seeks to change the hipped roof to a gable and convert the existing roof space with the introduction of a flat roof dormer on the rear which will create a bedroom with shower room. To provide additional light into the roof space a roof light is proposed on the western side and on the front elevation.

With regard to residential amenity the neighbouring property to the east No 23a has been extended with a rear dormer and there is a conservatory on the rear that is sited on the western side. The proposed ground floor extension will project forward of this structure by approximately 1.5m. The dormer will be sited approximately 1.8m from the dormer at No 23a. The Council as a consideration in determining planning applications have adopted a 45 degree rule and this is used as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. The 45 degree line has been taken from the middle point of the conservatory and complies with this rule.

The immediate property to the west No 27 has a garage that is sited to the garage with No 25a and on the east side elevation of the dwelling there are three windows at first floor level, one serves the landing and the other two which are obscure glazed serve a wc and bathroom. The proposed roof alterations from hip to gable will retain a distance of approximately 5m to the neighbouring property. With adequate distance it is not considered that this would create unacceptable overshadowing or loss of outlook to the occupiers to recommend refusal. The adjacent garage at No 27 has been extended to the rear and this is currently used as a dining

room. The proposed rear extension will project forward of this extension by approximately 1m. The 45 degree line has been taken from the middle point of the neighbouring window and complies with this rule.

From a site visit there are various rear dormers in the immediate vicinity and the alteration from hipped to gable has taken place at No 19 and No 42. There are two windows on the rear dormer, one serves the bedroom and the other a shower room and, if approved, a condition will be imposed that the shower room window be obscure glazed. Whilst it is noted that the rear dormer may create a degree of overlooking to neighbouring gardens it is not considered that this would be of an unacceptable level to recommend refusal.

The proposal would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

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

report

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans received on 24th October 2014.

Location/Block Drg No 1428/P/01/A dt Oct 14.
Proposed Ground & First Floor Drg No 1428/P/04 dt June 2014.
Proposed Second Floor & Roof Drg No 1428/P/05 dt June 2014.
Proposed Elevations Drg No 1428/P/05 dt June 2014.
Perspective Views Drg No 1428/P/07 dt Oct 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 dormer, rear extension and roof alteration 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 The shower room window on the rear dormer shall at all times be glazed with obscured glass.

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:** 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.