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

REF NO: **BE/159/12/**

LOCATION: 24 Ashurst Close
North Bersted

PROPOSAL: Two storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed two storey side extension measures approximately 2.5m in width, depth of 7.35m and a height of 6.9m.
SITE AREA	Approximately 319 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is part open then close boarded fencing approximately 1.8m in height, rear has close boarded fencing + hedging approximately 2m in height, side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Semi-detached property with detached garage on southern side. The property has red brickwork, tiled roof with white window frames.
CHARACTER OF LOCALITY	Cul-de-sac comprising semi-detached properties of similar style and design. Mixture of residential properties in Main Road Chalcroft Lane.

RELEVANT SITE HISTORY

BR/1067/83	Construction of garden wall	Approve Conditionaly 01-02-1984

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection

The Council would like the rear window to be obscure glazed and there is a 2m boundary space from the neighbouring fence.

1 Letter of Support
Agents response to the comments of Bersted Parish Council
The purpose of the proposed extension is to provide for adequate bedroom space for the applicant's growing sons and involves extending the third bedroom which is currently a tiny box room. This room already has a window in the rear elevation. Obscure glass is not normally fitted in bedroom windows and overlooking is not considered a problem with existing trees and shrubs giving adequate privacy. The existing fence is not on the boundary, a new fence will be erected in the correct position on completion of building works.

Comments on Representations received:

Comments noted
The application is to consider the extension and the replacement of fencing under 2m may be "permitted development". It is not appropriate to impose a condition that the rear bedroom window be obscure glazed as it is not considered that this would create any unacceptable overlooking that currently exists from the windows at first floor level.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	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 visual and residential 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

The application seeks to construct a two storey extension on the east side of the property which will comprise a utility room on the ground floor with extended bedroom and bathroom above.

The semi-detached property is sited approximately 15m from the front of the site and the proposed extension will be set back slightly from the front and rear elevation. It has a width of 2.5m with a depth of 7.35m and a height of 6.9m which is lower than the existing roof. The proposal is considered to be visuallyintegrated with the existing dwelling in terms of design, size and height.

With regard to residential amenity it is not considered that this would impact on the neighbouring property No 23 as it is set back from view. The neighbouring two storey properties to the rear are sited approximately 23m away. Whilst it is accepted that there would be an additional bedroom window at first floor level it is not considered that this would create any unacceptable overlooking than currently exists from the first floor windows. The bungalow to the east No 387 has a conservatory on the rear of the property which is sited approximately 13m away. On the side north east elevation there is an existing landing window and the proposal will have a window serving the landing of the same dimensions. With adequate distance to No 387 it is not considered that the window would create any unacceptable overlooking than currently exists.

The proposal being sited to the front will be visible within the street scene, but this is not considered to be of an obtrusive nature, nor would it harm the established character and appearance of the surrounding residential area.

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

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 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 negative 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: Site 1:1250, Block 1:500, Existing & Proposed Ground & First Floor 1:50 Drg No CD101201, Existing & Proposed Elevations 1:50 Drg No CD101202, Proposed Elevations 1:50 & Section A-A Drg No CD101203 received on 25th October 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 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 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

THE NATIONAL PLANNING POLICY FRAMEWORK

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

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.