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

**REF NO:** **BE/20/15/HH**

**LOCATION:** Green Gates
Shripney Road
Bognor Regis

**PROPOSAL:** Two storey rear extension.

## SITE AND SURROUNDINGS

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| DESCRIPTION OF APPLICATION | The proposed two storey extension has a maximum width of 8.4m, depth of 5.5m with a height of 6.5m. |
| SITE AREA | Approximately 840 square metres. |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A |
| TOPOGRAPHY | Property is on a higher level than the road with raised bank. |
| TREES | None affected by the proposed development. |
| BOUNDARY TREATMENT | Front has a raised bank with hedging/tree screening, rear boundary has close boarded fencing with trellis on top approximately 2m supplemented by tree screening over 4m in height, south side boundary has close boarded fencing approximately 1.8m in height, north side boundary has elevation of neighbouring garage and close boarded fencing approximately 1.8m in height. |
| SITE CHARACTERISTICS | Detached chalet with conservatory on rear, detached garage on northern side boundary. The property has white rendered walls, white window frames with a tiled roof. |
| CHARACTER OF LOCALITY | Main road with a mixture of residential and commercial premises. The immediate properties to the north and south are a mixture of detached two storey and bungalows. To the rear is a mobile home site. |

## RELEVANT SITE HISTORY

None

## REPRESENTATIONS

**Representations received:**

Bersted Parish Council

No objection.

**Comments on Representations received:**

None.

## CONSULTATIONS

**Consultations responses received:**

None

**Comments on Consultation responses:**

None

## POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class A Road

### DEVELOPMENT PLAN POLICIES

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| 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 Plan (October 2014): | | D DM1 Aspects of Form and Design Quality<br>D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)<br>D SP1 Design<br>SD SP2 Built-Up Area Boundary |

### PLANNING POLICY GUIDANCE

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|---|---|
| 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

The Bersted Neighbourhood Development Plan has been made but in this instance it is not considered that they are any relevant policies that apply to this development.

## 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 detached chalet style dwelling is set within a spacious plot and is set back from the front of the site by approximately 12m. The application seeks to construct a two storey extension on the rear of the dwelling.

On the rear south side of the dwelling there is a tiled addition and conservatory and both of these structures are to be removed. The proposed two storey extension will be sited on the rear of the dwelling with a width of approximately 8.4m, depth of 5.5m and this will comprise extended living/dining accommodation on the ground floor with two bedrooms and en-suite at first floor

level. The roof which will be hipped will be no higher than the main ridge height which is 6.5m.

To the rear of the site are mobile homes and these are sited approximately 36m away. With considerable distance and the rear boundary screened by fencing and trees it is not considered that the extension would give rise to any additional overlooking than currently exists from the first floor window. The neighbouring bungalow to the north 'Mitchley' has a detached garage that is sited on the southern side boundary adjacent to the proposal and the proposed extension will be sited approximately 7m away. With the absence of windows on the north side elevation at first floor level it is not considered that the extension would create a loss of outlook or daylight to the occupiers.

The immediate bungalow to the south 'Kingsway' is sited approximately 2m away and there are two windows on the north side elevation. The one to the front is an ancillary lounge window and the one sited in the centre of the dwelling serves a dining room. The roof line at this point remains the same as the rear extension is set back from this window and it is not considered that the extension would create any harmful overshadowing or loss of outlook than currently exists. On the rear elevation of the bungalow there is a kitchen window and door. 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 interests 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. In this instance the 45 degree line has been taken from the middle point of the kitchen window and complies with this rule. It is not considered that the extension would create a loss of outlook or daylight to the occupiers to recommend refusal.

The proposal by reason of its scale and design is considered to be visually integrated with the existing building and still retains the symmetry and strong lines of the original design. It is not considered that it would adversely affect neighbouring properties or compromise the spatial character and appearance of the street scene.

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, Existing Floor & Elevations Drg No 001/200/Rev A dt 29.1.15 received on 12th February 2015.
Site 1:100 Drg No 001/100 Rev A dt 10.12.14 received on 12th February 2015.
Location, Proposed Floor, Elevations, Sections, Roof Drg No 001/300 Rev B dt 29.1.15 received on 18th March 2015.
Site Survey Plan showing 45 degree rule Drg No 001/SK1 dt 19.3.15.

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 host dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the north and south elevation of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the neighbouring properties 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.