

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

REF NO: BE/20/18/HH

LOCATION: 61 Newtown Avenue
Bersted
PO21 5HR

PROPOSAL: Single storey side extension & alterations to roof to form gable end to new 2nd floor with rear dormer projection.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed side extension measures approximately 2.2m wide, 7.3m long and 2.8m high with flat roof. There is a change from hipped roof to gable end. This infills the side part of the roof and is up to the ridge height of the main roof. The rear dormer measures approximately 4.9m wide, 2.2m deep and 2m high. Materials would be brick and render and tile hanging on walls with tiles and felt on the roof
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the property is open with vehicle access to a hardstanding. There is a low side boundary wall approximately 0.4m high. There is also a timber fence between the side elevation of the house and the side boundary approximately 2m high. To the rear there is a timber fence approximately 1.5 - 1.8m high.
SITE CHARACTERISTICS	The application site comprises a two storey end terrace property constructed of render with brick detailing beneath a tile roof. There is a hardstanding to the front. The property has a gabled two storey bay to the front and is set on a reasonably long narrow plot.
CHARACTER OF LOCALITY	The streetscene is made up predominantly of a mix of small terraces of either 4 or 8 dwellings with a few semi-detached dwellings. All of the dwellings in the street have the same

design and style, the properties tend to have hipped roofs which create symmetrical blocks of properties. There were a number of single storey side extensions.

RELEVANT SITE HISTORY

BE/128/17/HH	Side two storey extension.	Withdrawn 08-02-18
BE/26/01/	Single storey extension at side and rear	ApproveConditionally 25-05-01

The planning history is not of direct relevance to the current scheme. However, a two storey side extension was withdrawn in 2017 due to design and proximity to the side boundary, this proposal had a hipped roof.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

Bersted Parish Council has no objection.

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Within the built up area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
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
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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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. A consultation on the proposed modifications ended at end of February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and it would have an adverse impact upon the established character of the surrounding area, however, as considered below there are material considerations that overcome this non compliance.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background, in relation to permitted development rights for alterations to the roof under the GPDO 2015 Schedule 2 Part 1 Class B.

CONCLUSIONS

The application site is situated within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy. Policy DEV19 requires that extensions be visually subservient, sympathetically relate to and visually integrate with the existing dwelling. Extensions must also avoid adverse impacts to neighbouring properties and must not compromise the established street pattern.

The proposal to add a single side extension to the property would infill a gap between the side of the house and the side boundary of the site. The extension would be in line with the front elevation of the main house and extend the whole length of the house and be in line with the rear elevation of the main house. The extension would be set back 5.5m from the front boundary of the site and 23m from the rear boundary. It has been designed to be subservient to the existing building.

The change from hip to gable would be visible from the street. The proposed gable would be different to the other end properties in the street and in particular the terrace, which are primarily hipped. As such the proposed roof change loses the symmetry of the block and is considered to be out of character with the established pattern of development.

The proposed dormer is set well within the resultant roof margins and is not unduly dominant in itself. As it is to the rear it is not visible from the street. Whilst it is considered that the overall change in roof design is out of character with the wider area and the adversely affects the symmetry of the terraced block, the roof changes could be carried out under permitted development rights without the need for planning permission. This is material consideration in determination of the application and as such is considered unreasonable to refuse permission on this ground in light of the permitted development rights.

Materials would be in keeping with the existing property.

With regard to amenity of adjoining occupiers the change from hip to gable roof and side extension, due to their position will have no impact on No.63 to the west. Given the height of the side extension, there

being no proposed side windows and separation distance to the side boundary of the new roof it is not considered that the proposed scheme will be harmful to the residential amenity of No.61 from these aspects.

Given the size and position of the proposed dormer it is not considered unduly dominant upon the neighbouring properties. There will be increased views of the gardens of adjoining properties from this window however this is not considered sufficient to merit refusal of permission. Furthermore, the separation distance to the rear boundary means that the proposal is not considered harmful to the amenity of the occupiers to the rear on Bedford Avenue.

In summary, and in light of the permitted development fall back position, it is not considered appropriate to refuse planning permission for the proposed development and also it would not have an adverse impact on the visual or residential amenity. The proposed development would not fully comply with adopted planning policy in the Arun Local Plan 2003 and the Bersted Neighbourhood Plan but material considerations indicate otherwise. As such the proposed development is therefore recommended for approval subject to the following 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 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 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).

The proposal would have a neutral impact on the protected characteristics.

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 sheet 1 of 3 - location plan, block plan and proposed ground and first floor plans,
sheet 2 of 3 - proposed elevations & proposed second floor plan &
sheet 3a of 3 - existing floor plans and elevations, existing and proposed roof plan.

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 extensions 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: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.