

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

REF NO: BE/33/19/HH

LOCATION: 17 Frandor Road
Bersted
PO21 5TP

PROPOSAL: Proposed conservatory to the side of the property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a conservatory to the side of the dwelling.
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RELEVANT SITE HISTORY

BE/143/10/	To attach to the gable wall a single storey extension with a pitched roof incorporating windows and doors, plus rear dormer.	ApproveConditionally 09-03-11
BE/84/08/	New dwelling	Refused 08-10-08 Appeal: Dismissed 25-03-09
BE/132/07/	Single detached bungalow dwelling with associated parking together with new parking to the front of 17 Frandor Road (Resubmission following BE/89/07)	Refused 04-12-07 Appeal: Dismissed 02-05-08
BE/89/07/	Single bungalow dwelling with associated parking and landscaping together with new parking to the front of 17 Frandor Road	Refused 30-08-07 Appeal: Dismissed 06-05-08

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council provided no objection.

1 letter of objection from a nearby occupier.

- The plans are incorrect, the land was sold and does not belong to the applicant.
- The plans have no dimensions and could change at a later date.
- Building material should only be stored on the owners land.
- As its on a corner, restricts view onto the road.
- Noise disruption from construction

1 letter from a nearby occupier stating they did not wish to object but to request certain planning restrictions.

- The garage and driveway do not form part of the property despite the red boundary line shown on the plan.
- Vehicles that park there will have to be on the road and there is insufficient parking.
- Foul manhole will be contained within the development and permission should be sought from Southern Water for works which will affect this.

Comments noted and addressed in the conclusion.

- Land ownership is a private legal matter. The applicants have submitted a certificate to say they own the land.
- The plans are scaled which show the proposed dimensions.
- Due to the siting of the development which is more than 6m from the road it is not considered to adversely impact upon visibility at the junction.

CONSULTATIONS

Natural England

CONSULTATION RESPONSES RECEIVED:

Natural England - Have no comment to make on the application.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design

[Bersted Neighbourhood Plan 2014 Policy ES1](#)

Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINICPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Bersted has a 'made' Neighbourhood Plan with policy ES1 of relevance to the application. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY

The proposal is sited to the side of the dwelling and as a result of its position in the street scene on a corner, it will be visible from the wider area.

The conservatory is modest in size and is not considered to appear unduly dominant upon the street scene with 8m retained to the front and 6m to the side boundary.

There is currently a fence that runs around the rear and side of the property retaining 6m to the boundary with vehicle parking beyond this. Part of the fence will be removed to make room for the conservatory however there will still be room for around 3 cars which is considered sufficient for the size of the dwelling.

Whilst the conservatory is visible from the street due to its size and design the proposal is not considered to adversely impact the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The conservatory will be constructed to a maximum height of 2.75m with a slight lean to roof. It will have a width of 2.7m and extend around 6m along the side elevation of the dwelling.

Due to its siting at the side of the dwelling and with 10m retained to the rear, it is not considered to give rise to any adverse overbearing or overshadowing upon neighbouring amenity. There is also not considered to be any adverse overlooking additional to that which could be achieved from standing in the side garden.

The proposed development is not deemed to harm neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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
 - Location Plan
 - Block Plan
 - Proposed West Elevation
 - Proposed East Elevation
 - Proposed North Elevation
 - Proposed Roof Plan
 - Proposed Floor Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 **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.