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

REF NO: **BE/40/14/HH**

LOCATION: 3 Bucksham Avenue
Bognor Regis

PROPOSAL: Rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed side and rear extension has a maximum width of 6.2m, depth of 5.5m and a height of 3.5m.
SITE AREA	Approximately 250 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, east side boundary has close boarded fencing approximately 1.8m in height, west side boundary has fencing + hedging approximately 2m in height, rear has fencing + tree screening approximately 3m in height.
SITE CHARACTERISTICS	Semi-detached two storey property with front porch. Attached flat roof garage on side with decking area to rear. The property has rendered walls painted cream, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising semi-detached properties on north side, detached bungalows on south side of similar style and design.

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
No Public Sewer

DEVELOPMENT PLAN POLICIES

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 - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings D SP1 Design SD SP2 Built -Up Area Boundary

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.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
? the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
? the extent to which there are unresolved objections to relevant policies (the less significant the

unresolved objections, the greater the weight that may be given);
? the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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 for a single storey extension to the rear of the garage and dwelling to create a utility and dining room.

The flat roof garage was a previous addition and the proposed extension will extend along the side elevation and link up with the rear extension to a maximum width of 6.2m, maximum depth of 5.5m with a height of 3.5m. The extension is considered to be of an accceptable size and height that is visually subservient to the host dwelling.

With regard to residential amenity the attached property No 1 has a hipped roof extension on the rear of the property that has a rear projection of approximately 3m. The proposed extension which is of a similar height to this extension will extend out by approximately 1m beyond the rear flank wall of this extension. The Council as a consideration in determining planning applications have adopted a 45 degree rule which 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 french windows and complies with this rule. The neighbouring property to the north No 5 is sited

approximately 2m away. This property has a conservatory on the rear that is sited adjacent to the living area and the 45 degree line has been taken from the middle point of this structure and complies with this rule.

The roof height of the side extension will be visible above the flat roof garage to the front of the site by approximately 1m. However, it is not considered that this would be of an obtrusive nature due to its distance from the front boundary of approximately 10m. The proposal would not have a significant impact on the visual amenities of the locality or 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 amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans: Site 1:1250, Block 1:500, Proposed Floor 1:100 Drg No PFP06 dt 29.3.14, Proposed Side/Front Elevation 1:100 Drg No PE04 dt 29.3.14, Proposed Side

Elevation 1:100 Drg No PSE07 dt 22.4.14, Proposed Rear Elevation 1:100 Drg No PE05 dt 29.3.14, Proposed Roof 1:100 Drg No PERP07 dt 29.3.14 received on 7th May 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 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: 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.