

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

REF NO: BE/45/14/HH

LOCATION: 31 Bedford Avenue
Bognor Regis

PROPOSAL: Pitch roof rear extension and ancillary dormer

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed rear pitched roof extension measures approximately 5.5m in width, depth of 4m with a maximum height of 5m.

The rear dormers each measure approximately 1.8m in width, depth of 1.8m with a height of 1.2m.

SITE AREA

Approximately 293 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Front has wall approximately 1.2m in height, rear has close boarded fencing approximately 1.8m in height, east side boundary has mesh fencing/hedging 1.8m in height, west side boundary has elevation of outbuilding, close boarded fencing approximately 1.8m in height.

SITE CHARACTERISTICS

Two storey end of terrace property with garage/workshop/store on west side boundary, conservatory on rear. The property has rendered walls on front elevation, brown brickwork on rear elevation, red tiled roof with white window frames.

CHARACTER OF LOCALITY

Residential road comprising terraced properties on north side of road of similar style, south side of road has semi-detached and terraced two storey properties.

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](#)
[GEN2](#)
[GEN7](#)

Extensions to existing residential buildings
Built-up Area Boundary
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 to construct a rear extension with dormer windows to create a new kitchen with dining area on the ground floor with rear dormers that will create en-suite bathrooms for the existing bedrooms at first floor level.

The property is an end-of terrace and there is a flat roof garage/workshop and store on the western side that projects out beyond the rear flank wall of the dwelling, there is also a conservatory on the rear. The conservatory is to be removed and the proposed extension will be the whole width of the dwelling with a rear projection of 4m with a maximum height of 4.9m. The proposed dormer windows will be positioned at eaves height and the one nearest the neighbouring property No 29 will be set in from the first floor window by approximately 2m.

With regard to residential amenity the properties to the rear in Sun Park Close are sited approximately 40m-45m away. The neighbouring property to the west No 33 is sited approximately 3m away. The extension will be set behind the existing structures on the western side boundary and whilst it is accepted that the dormer windows may create a degree of overlooking onto neighbouring gardens, given the presence of existing windows it is not considered that this would be of an unacceptable nature.

The immediate property to the east No 29 has a ground floor extension with a rear projection of 2m and the proposed extension will project forward of this extension by approximately 2m. The Council as a consideration in determining planning applications have adopted a 45 degree rule and in this instance the 45 degree line has been taken from the middle point of the neighbouring windows on the extension and complies with this rule. In respect of the rear dormer the neighbouring bedroom window is sited approximately 2m away and whilst it is considered that the roof in view of its height may create a degree of overshadowing at certain times of the day it is not considered to be of an unacceptable level to recommend refusal.

It was noted at the time of the officer's visit that there was the absence of rear dormers. However, it is not considered that this is of an unacceptable level to recommend refusal. The proposal will not be visible to the front and will not harm the character and appearance of the surrounding residential area.

The application is recommended for approval, 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/Block/Site Drg No 1409/P/01 received on 3rd April 2014, Proposed Floor Drg No 1409/P/04 Rev A, Proposed Elevations Drg No 1409/P/05 Rev A received on 15th 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 and roof of the rear 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 No windows or other openings shall be formed in the east and west side 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 of adjoining residential 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.