

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

REF NO: BE/52/13/

LOCATION: 5 Elbridge Square
North Bersted
Bognor Regis

PROPOSAL: Erect a PVCu conservatory to the rear

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a conservatory to the rear of this new house. The conservatory will measure 4.2m by 4m and will fit snugly into an existing space between two walls formed by the shape of the house. The conservatory will be 2.3m to the eaves and 3.2m to the pitch. The conservatory will be constructed using white PVCu, double glazing and brickwork to match.
TOPOGRAPHY	The site is predominantly flat.
TREES	No Trees affected by the proposal.
BOUNDARY TREATMENT	Approx 2m high brick wall with timber top to the boundaries. Part of the boundary treatment is the flank wall of the detached garage.
SITE CHARACTERISTICS	This two storey detached dwelling has only recently been built and forms part of a large new residential estate. The dwelling had no occupiers at the time of the site visit (10/06/13). The site includes a detached garage with a short fence/gate between it and the house.
CHARACTER OF LOCALITY	This is a brand new residential estate. Parts of it are complete but the area around Elbridge Square was being finished off at the time of the site visit. The houses in the immediate streetscene are detached two storey with separate garages. The dwelling has a neighbouring property to the rear but this was unoccupied at the time of the visit. In any case, there is a high brick wall and garage between the properties.

RELEVANT SITE HISTORY

BE/7/08/	Application for Reserved Matters following outline planning permission BE/45/04 relating to the North West sector of 'Site 6' comprising - 216 dwellings together with associated landscape, highways & drainage works	Approved Cond + S106 25-06-2009
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This dwelling forms part of a large brand new residential development which is still in the process of being completed. Application BE/7/08 granted permission for 216 residential dwellings including this house. Planning condition 22 removed permitted development rights hence the need for this planning application.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[DEV19](#)

The Form of New Development
Extensions to existing residential buildings

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.

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

This dwelling has only recently been built and is located on a new housing estate where neighbouring units are not yet occupied. Notwithstanding, it is still necessary to have regard to the amenity of future occupiers. The conservatory will fit snugly into an existing square space formed by two walls of the dwelling. In this position, it is clearly subservient to the main building. It has no impact on neighbours due to the high boundary brick walls surrounding the dwelling and the position of detached garages which all serve to screen the conservatory from view.

The roof of the conservatory will be visible above the boundary walls and it being the only one in the streetscene as yet, it could be considered to be out of character. However, this is a modern residential housing estate and it would not be uncommon to find conservatories in such an environment. Furthermore, whilst permitted developments have been removed for the dwellings, it is not considered that conservatories would be prevented from being provided for other dwellings in this estate.

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 materials and finishes of the brickwork sections of the Conservatory 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.

- 3 The development hereby approved shall be carried out in accordance with the following approved plans "Existing Elevations" (Revision A) and "Proposed Elevations" (Revision A).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN3 and DEV19 of the Arun District Local Plan.

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19.

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 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.