

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

REF NO: BE/56/13/

LOCATION: 34 Mansfield Road
Bognor Regis

PROPOSAL: Proposed white PVCu double glazed conservatory to side elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to extend the existing dwelling to the side with a small white UPVC double glazed conservatory. The conservatory will measure 4.2m deep by 3.2m wide and to a height of 2.3m (eaves) and 3.5m (pitch). The conservatory will be finished in a combination of matching brickwork, UPVc and glass.
TOPOGRAPHY	The site is flat.
TREES	No trees of any significance are affected by the proposed development. There is a mature hedge to the western (side) and part of the front boundaries, however, this is not be affected by the proposal.
BOUNDARY TREATMENT	1.8m high fence with 0.2m trellis top (2m total height) to side and front boundary together with hedge behind growing above the height of the fence. The hedge curls around and provides additional screening to the neighbour at 36. To the rear (boundary with the side of 36, there is a 1.9-2m high fence. There is also a rear gate opening onto Mansfield Road which is 1.7m in height.
SITE CHARACTERISTICS	This is one half of a semi-detached bungalow located on the corner of Mansfield Road and Greenwood Avenue. Due to its corner location, the side of the house forms part of the Mansfield Road frontage and the rear backs onto the side of 36 Mansfield Road. The site of the conservatory is private garden.
CHARACTER OF LOCALITY	The site is located within a residential area characterised by similar semi-detached bungalows. There are other existing conservatories in the immediate area including a very prominent un-screened one on the side of 65 Greenwood Avenue almost opposite the site.

RELEVANT SITE HISTORY

BE/137/85

Garden shed

Approve

11-11-1985

report

No comments.

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

report

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

Policy DEV19 requires that extensions be visually subservient to the existing building and do not have any adverse impacts on neighbouring properties. Also extensions must reflect the existing streetscene.

This proposed conservatory would be visible in the streetscene but only those parts that would be above the height of the substantial fence and hedge. It would have significantly less impact than the existing conservatory at 65 Greenwood Avenue, which itself is not particularly detrimental to the streetscene. Due to existing screening, the conservatory will not have any impact on neighbouring properties.

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 materials and finishes of the brick sections of the external walls of the conservatory hereby permitted shall match in colour and texture with 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: "Sheet No. 1" (Block Plan, Elevations and superseded Ground Floor Plan); Sheet No. 2 "Conservatory Design" (05/06/13); and "Sheet No. 3" (Existing and Proposed Floor Plans).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with 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.