

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

REF NO: BE/56/17/HH

LOCATION: Green Gates
Shripney Road
Bognor Regis

PROPOSAL: Two storey rear and side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The extension would replace the existing garage and also run the width of the rear of the property. It would be 1.5 storey in height in that it would have living accommodation in the roof space. The extension would have a side facing half hipped and hipped roof and house a garage and living room at ground floor with two double en-suite bedrooms at first floor level.

SITE AREA

0.09 hectares

TOPOGRAPHY

Slope up from road then predominantly flat on site.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m fence to sides, front and rear.

SITE CHARACTERISTICS

Detached chalet bungalow with driveway to front and detached garage to side. Garden to rear.

CHARACTER OF LOCALITY

Row of detached bungalows in an otherwise commercial and static mobile home environment. Area mainly characterised by retail, industrial and food use. Buildings are mainly single storey.

RELEVANT SITE HISTORY

BE/20/15/HH Two storey rear extension.

ApproveConditionally
01-04-2015

BE/179/15/PL Dwelling to rear of property.

Withdrawn
05-01-2016

Two storey rear extension approved in 2015. This was a smaller extension that only ran the width

of the rear of the dwelling and did not incorporate a garage.

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection.

Two letters of objection from the same neighbouring property objecting before and after the amendment to reduce the roof size of the proposal. Object on the grounds of:-

- loss of light and overbearing impact on Green Gates (north or proposal)
- extension is overly large and out of character with the street scene

Comments on Representations received:

Comments noted.

The amendment of the application to remove the north facing gable roof element is considered to have reduced the impact on Mitchley. The extension would be set more than 4m from the side and rear of Mitchley and now have a hipped roof which recedes away from Mitchley. As such it is not considered to have an overbearing impact and passes the 45 degree line test to rear windows so it not considered to result in loss of light.

The extension, whilst large would retain the character of the property as a detached chalet bungalow and as such is considered to be in character with the street scene.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [DEV19](#)
[GEN2](#)
[GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Bersted Neighbourhood Plan 2014 Policy ES1](#)
[Bersted Neighbourhood Plan 2014 Policy HDQ8](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
Design of new development
Car parking

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne;

Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Bersted Parish has a made NDP and policies ES1 and HDQ8 are relevant to the proposal.

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 conflict with relevant Development Plan policy as it would not be subservient to the main dwelling. The roof of the extension is the same height as the main house. However, given the extension would retain the character of the overall house and is not considered an overdevelopment of the site, it is considered an exception to policy can be made in this instance.

The development 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 other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The roof of the extension is the same height as the main house. However, given the extension would retain the character of the overall house and is not considered an overdevelopment of the site, it is considered an exception to policy can be made in this instance.

CONCLUSIONS

PRINCIPLE

The site is within the built up area boundary where the principle of development is acceptable in compliance with policy GEN2.

DESIGN AND VISUAL AMENITY

Whilst the extension would not be subservient to the main house, it would be the same height and similar mass thus retaining the character of the overall dwelling as a chalet bungalow. Materials to match existing will be required via condition to harmonise the appearance of the extension with the main dwelling. An exception to the DEV19 policy requirement of subservience can be made in this instance and the proposal is considered to be acceptable in terms of design and visual amenity in line with policy GEN7 and DEV19 and ES1 of the Bersted NDP.

RESIDENTIAL AMENITY

The impact on Mitchley (to the north) is considered to now be acceptable following the amendment to hip the side facing roof form, reducing mass facing Mitchley. The extension would be set more than 4m from the side and rear of Mitchley and now have a hipped roof which recedes away from Mitchley. As such it is not considered to have an overbearing impact and passes the 45 degree line test to rear windows so it not considered to result in loss of light.

The impact on Kingsmead to the south is considered to be acceptable in terms of residential amenity. The extension would be more than 2.5m away from the side of Kingsmead and set to the north, reducing the impact in terms of daylight. The extension would pass the 45 degree line test and given its location and separation distance is not considered to be overbearing, visually intrusive or result in loss of light.

No first floor side facing windows are proposed and the first floor rear facing windows are not considered to increase communal overlooking to a detrimental level.

The development is considered to be acceptable in terms of impact on residential amenity in line with policies GEN7 and DEV19.

PARKING

The proposal would retain a parking space within the new garage which meets dimension requirements. There would also be parking for three cars, off street to the front of the property. The proposed dwelling would be 4 bedroom and 4 off street spaces meets off street parking requirements in line with Bersted NDP policy HDQ8.

The application is recommended for conditional approval.

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 development hereby approved shall be carried out in accordance with the following approved plans:

01 Edition A
02 Edition A
03 Edition A

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 roofs of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

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 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.