

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

REF NO: BE/60/14/HH

LOCATION: 4 Homing Gardens
Bognor Regis

PROPOSAL: Loft conversion with velux windows and rear dormer. This application affects the character and appearance of North Bersted Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The loft conversion with the installation of a rear dormer which measures approximately 2.1m in width, depth of 1.5m with a height of 2.7m.
SITE AREA	Approximately 113 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Terraced two storey property with reddish/brown brickwork, tiled roof and brown window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising terraced properties of same style and design. Garage compound to east of site. Bungalows to rear of site in Westfield.

RELEVANT SITE HISTORY

BE/50/14/CLP	Application for a Lawful Development Certificate for a proposed loft conversion.	Withdrawn 09-05-2014
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REPRESENTATIONS

Representations received:

Bersted Parish Council
No objection

1 Letter of Objection

Planning notice should have been posted nearer to the bungalows in Westfield. We are overlooked by the existing windows and this will look directly into our rear garden affecting our peace and privacy. Work was started without permission.

Comments on Representations received:

Objection comments noted]

The planning notice was posted on the first available lamp post nearest to the bungalows Nos 59-69 in Westfield. Whilst it is noted that the dormer may create a degree of overlooking this is not considered to be of an unacceptable level to recommend refusal due to the presence of existing first floor windows. The fact that the development has already started is not a material planning consideration.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer

The application is for a roof conversion in what appears to be a relatively modern property within a small cul-de-sac. As a result of its location, the property does not play a prominent role in the character or appearance of the conservation area.

It appears as if a large dormer is to be inserted to create access to extra floor space. It is considered that this could be reduced to reduce the impact of the dormer on the terrace. However, saying that, the impact of the works will be limited as the majority of the works are to the rear of the property (and not visible from the street-scene).

If minded to approve the application, materials should be conditioned to match existing.

Condition: Materials to match existing

Relevant policies: Arun District Local Plan 2003: Area 2: Conservation Areas

Emerging Local Plan 2014:

HER SP1: The historic environment

HER DM3: Conservation Areas

Relevant SPD's: Conservation Areas Supplementary Planning Guidance Note

Comments on Consultation responses:

Conservation Area Advisory comments noted

The dormer is required for headroom to the stairwell. In terms of its size and height it is not considered that this is out of keeping with the host dwelling and being to the rear is not considered to be out of character with the Conservation Area and the surrounding residential area.

Conservation Officer comments noted.

Samples of existing and new tiles to be submitted for the rear dormer.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#)
[GEN2](#)
[GEN7](#)

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

Conservation Areas
Built-up Area Boundary
The Form of New Development

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings
D SP1 Design
SD SP2 Built -Up Area Boundary
HER DM3 Conservation Areas
HER SP1 The Historic Environment

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, impact on the character and appearance of the Conservation Area.

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 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.

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 terraced property which is sited in a residential cul-de-sac was constructed in the early 80's. The application seeks to convert the loft with the installation of a rear dormer to provide additional bedroom accommodation.

The proposed dormer is to be sited on the rear roof slope and will measure approximately 2.1m in width, depth of 1.5m with a height of 2.7m. To provide for additional light into the bedroom accommodation two rooflights are proposed, one on the front and one on the rear and these will be conservation style rooflights. The dormer will be tile hung using the existing tiles and any new tiles will be matching. The dormer is of an acceptable size and height that is not considered to be out of keeping with the host dwelling. As the property is within a Conservation Area planning permission is required for the rear dormer. A dormer of this size and height could normally be constructed under "Permitted Development" without the need for the submission of a formal planning application.

With regard to residential amenity the bungalows to the rear Nos 59-69 in Westfield are sited approximately 24m away. It is noted that the dormer which serves a bedroom may create a degree of overlooking onto the neighbouring gardens to the rear, however, with existing windows

at first floor level it is not considered to be of an unacceptable level to recommend refusal.

The dormer, by reason of its rear location will not have a detrimental impact upon the character and appearance of the Conservation Area, nor would it compromise the established character of the surrounding residential area or impact unduly on neighbouring properties.

In the officer's view the proposal would, in this particular instance, have a neutral impact upon the character and appearance of the Conservation Area and 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 1:1250 Drg No 50LIN-13/01, Block 1:500 Drg No 4HOM-14/01 received on 4th June 2014, Proposed Ground/First/Roof Drg No 4HOM-14/A104 received on 5th June 2014, Proposed Second Floor Drg No 4HOM-14/A105 received on 5th June 2014, Proposed Elevations Drg No 4HOM-14/A102REVA received on 11th July

2014, Proposed Section Drg No 4HOM-14/A107 received on 5th June 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 rooflights hereby permitted shall be a conservation style rooflight only.

Reason: In the interest of visual amenity.

- 4 The dormer hereby approved shall be clad where practicable with the original roof tile and the reclaimed roof tile (sample submitted on 16th July 2014) shall be used for the shortfall.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with policies GEN7 and 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.