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

REF NO: **BE/68/14/HH**

LOCATION: 13 Newtown Avenue
Bognor Regis

PROPOSAL: Proposed two storey side extension & single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed two storey extension measures approximately 2.5m in width, depth of 7.5m with a maximum height of 8.4m. The proposed single storey extension measures approximately 2.5m in width, depth of 3m with a height of 3.2m.
SITE AREA	Approximately 232 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 with paved driveway to garage, rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Semi-detached two storey property with attached flat roof garage on eastern side. Single storey flat roof addition on rear. The property has red brickwork on lower level, rendered walls, tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential road comprising two storey semi-detached properties of similar style and appearance.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Bersted Parish Council

Objection
Members consider it is an overdevelopment of the site.

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water
It appears that the developer is intending to build close to a public foul sewer which is crossing the site. The conditions associated with the build over/close to a sewer are contained in Southern Waters guidance notes which are available at www.southernwater.co.uk.

In order to protect drainage apparatus, Southern Water request that if consent is granted, a condition is attached to the planning permission requesting that the developer must agree with southern Water prior to commencement of the development.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any future works commence on site. Any new connections will require a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Comments on Consultation responses:

Southern Water comments noted
If approved an informative will be placed on any consent regarding connection to the public sewerage system and building close to a public foul sewer.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality, character and appearance of the street scene.

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 two storey semi-detached property is sited within a residential road where the dwellings are in similar styles, many of which have been subject to some alteration, mainly in the form of attached garages, side and rear single storey extensions and outbuildings.

The property has an attached garage on the eastern side and a rear single storey flat roof extension which is the whole width of the dwelling. The proposal seeks to remove the attached garage and rear flat roof wc extension and construct a two storey side extension the whole depth of the dwelling with a single storey flat roof rear addition that will link up with the existing single storey addition. The two storey element will be sited to the boundary with the neighbouring property No 11. It will be sited in line with the front flank wall of the dwelling and follow the roof line of the host dwelling. The extension has been designed to respect the style of the existing dwelling.

With regard to residential amenity the immediate property No 11 has a car port that is sited to the boundary with No 13 and on the rear there is a flat roof single storey addition. There are two windows on the west side elevation, one at ground floor level and one at first floor level which serves the landing. In view of the existing side extension it is not considered that the proposed two storey extension would create a loss of outlook or unacceptable overshadowing to recommend refusal.

However, the symmetry of the street frontage has not been noticeably disturbed by any two storey side additions although there are various single storey side additions. The street still retains an open and spacious appearance at first floor level between dwellings. The two storey addition being sited to the boundary would create a loss of spaciousness and would have an adverse visual impact on the street scene in conflict with Policy DEV19(v).

Taking this into account the application is recommended for refusal for the following reason.

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 for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 The proposed two storey extension which represents over-development would compromise the established character and appearance of the street scene in conflict with policies DEV19(v) and GEN7 of the Arun District Local Plan.

2 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.