

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

REF NO: BE/78/14/HH

LOCATION: 72 North Bersted Street
Bognor Regis

PROPOSAL: Rear extensions & alterations to existing conservatory. This application affects the character and appearance of Bersted Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Modifications to the existing conservatory by infilling with brick and the removal of the translucent roof and replacement by a flat roof to a height of 2.7, with roof light 3.3m.

The installation of a lantern roof light which measures approximately 1.5m in width, depth of 2m with a height of 0.6m.

The single storey flat roof utility room extension measures approximately 4m in width, depth of 4.45m and a height of 2.7m.

SITE AREA

Approximately 655 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Uphill from road.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Front has wall with brick piers approximately 1m-1.2m in height, rear has hedging approximately 2m in height, east side boundary has wall + fencing approximately 2m in height, west side boundary has mature hedging approximately 2m in height.

SITE CHARACTERISTICS

Detached bungalow with single storey flat roof extension on western side, conservatory on rear. The property has red brickwork, brown tiled roof with white window frames.

CHARACTER OF LOCALITY

Within the Conservation Area. Residential comprising detached properties, some of notable character with thatched roofs.

RELEVANT SITE HISTORY

BE/25/07/	Single storey extension to rear of existing dwelling	ApproveConditionally 13-04-2007
BE/5/55	Bungalow and garage	ApproveConditionally 27-04-1955

REPRESENTATIONS

Representations received:

Bersted Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer
Awaited

Conservation Area Advisory Committee
No objection

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within Conservation Area
Class C Road
No Public Sewer
PD Restriction on BE/25/07 Condition 2

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#)
[DEV19](#)
[GEN2](#)
[GEN7](#)

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

Conservation Areas
Extensions to existing residential buildings
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
HER DM3 Conservation Areas
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

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, 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 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.

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).

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 and appearance of the surrounding area and the Conservation 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 application seeks to extend to the rear of the kitchen and rear of the living room.

The property has previously been extended to the rear on the eastern side and the existing conservatory which is sited adjacent to this extension is to be modified and the walls built up with brick and the translucent roof replaced by a flat roof. To provide for additional light into the living area a lantern roof light is proposed and this will be centred in the middle of the roof.

The flat roof kitchen extension is sited on the western side and the proposed utility room extension will be sited to the rear. It has a flat roof which will be the same height as the existing extension and will be approximately 4m in width, 4.4m in depth with a height of 2.7m. Both extensions will be the same height as the existing kitchen extension. The extensions are considered to be visually subservient to the host dwelling.

The site is well screened by fencing and mature hedging and the neighbouring properties to the north No 70 and south No 68 are sited approximately 14m away. The property directly to the rear Rooklea is sited approximately 8m away. This property has a window at first floor level on the north side elevation which overlooks the rear garden of No 72. However, it is not considered that the extensions would create any additional overlooking than currently exists.

The extensions being sited to the rear will not be visible within the street frontage and are not out of keeping with the surrounding residential area, nor would they have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings. In the officer's view the extensions would preserve the character and appearance of the Conservation Area.

It is therefore recommended to approve the application, 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: Site 1:1250, Block 1:500 Drg No 6874/05 dt June 2014, Proposed Ground Floor 1:50 Drg No 6874/02A dt June 2014, Existing/Proposed Elevations 1:100 Drg No 6874/03A dt June 2014 received on 25th 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 materials and finishes of the external walls 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.

- 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.