

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

REF NO: BE/86/14/HH

LOCATION: 34 Whiteways
Bognor Regis

PROPOSAL: First floor dormer extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed dormer measures approximately 2.8m in with, depth of 5m, height of 2.8m and maximum height of 5m.
SITE AREA	Approximately 320 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 mesh fencing with concrete posts approximately 1m in height, rear has close boarded fencing approximately 1.8m in height, west side boundary has hedging approximately 3m in height, east side boundary has wall 1.5m in height.
SITE CHARACTERISTICS	Semi-detached two storey property with paved driveway. The property has reddish/brown brickwork, brown tiled roof with white window frames and doors.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising semi-detached two storey properties of similar style and design.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Bersted Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Public Sewer On Site

DEVELOPMENT PLAN POLICIES

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

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

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
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.

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 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 application seeks to construct a first floor dormer on the eastern side of the dwelling to provide an additional bedroom.

The semi-detached dwelling has a catslide roof and the proposed dormer will be sited above the garden room at first floor level which is currently used as storage. It will be no higher than the

main ridge height and will be approximately 2.8m in width, depth of 5m with a height of 2.8m, 5m maximum height from ground floor level and will be tile hung to match the existing roof. The dormer is considered to be visually subservient to the main dwelling.

With regard to residential amenity the neighbouring properties to the rear are sited approximately 27m away. With adequate distance and the absence of windows on the rear it is not considered that this would create a loss of outlook. The immediate property to the east No 32 is sited approximately 3m away. This property has five windows on the west side elevation, two at ground floor level which serve a kitchen and larder and the three windows at first floor level, two of which are obscure glazed serve a bathroom and wc and the third window a bedroom. With the absence of windows on the east side elevation it is not considered that the dormer would create harmful overshadowing or loss of outlook to recommend refusal. However, if approved a condition will be imposed that no windows are to be constructed in the east side elevation without the prior approval of the LPA.

The neighbouring property to the west No 48 has a similar dormer extension on the east side elevation of the property.

The proposed dormer will be sited approximately 6m from the front boundary and it is not considered that it would have a significant impact on the visual amenities of the locality, or have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore 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/Site 1:500 dt 21.7.14, Proposed First Floor 1:50 Rev A dt 21.7.14, Proposed Elevations 1:100 dt 17.7.14, Proposed Cross Section 1:50 Rev A dt 17.7.14, Existing/Proposed Roof 1:500 dt 21.7.14 received on 23.7.14.

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 of the dormer 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 No windows shall be constructed in the north and east elevation of the dormer extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies GEN7, 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.