

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

REF NO: BR/103/18/HH

LOCATION: 40 Hatherleigh Gardens
Bognor Regis
PO21 5HY

PROPOSAL: Rear & side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RESIDENTIAL DEVELOPMENT N/A

DENSITY (NET)

RELEVANT SITE HISTORY

BR/160/90	Loft conversion with dormer window to rear	ApproveConditionally 21-05-90
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council: No Objection

CONSULTATION RESPONSES RECEIVED:

Comments Noted

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE/POLICY:**

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1 and D DM4 of the Arun Local Plan 2011-2031

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. 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.

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).

The Bognor Regis 2015-2030 Neighbourhood Development Plan: There are no Policies which would apply

CHARACTER OF LOCALITY:

Suburban residential, formed of detached semi-detached and terraced two storey dwellings set back from the road with gardens to rear

SITE CHARACTERISTICS:

Semi-detached two storey dwelling with long rear garden and driveway to front.

DESIGN AND VISUAL AMENITY:

A large proportion of the proposal would be sited to the rear of the dwelling and as such would not be visible from the highway. The main part of the proposal that would be visible from the highway would be the proposed side extension and rear projection. The proposed side extension would taper toward the front of the host dwelling. The side extension would not extend past the front elevation of the host dwelling and would be set in from the common boundary of adjoining property number 38 and the rear of

the highway a sufficient distance, 0.8 of a metre. As such given the separation distance and that the proposed side extension would be single storey it is considered that a terracing effect would not occur.

With regard to the proposed larger porch it is considered that porches are a common feature within the area and that the larger porch would be set back from the highway and would be of an appropriate size and scale as to harmonise with the host dwelling and the area as a whole.

Having regard to the submitted plans and the Officer site visit it is considered that the proposal would not have a detrimental impact on the street scene and the wider area.

The proposed extension is considered to accord with Policies D DM1 and D DM4 of the Arun Local Plan 2011 - 2031

RESIDENTIAL AMENITY:

The proposed extension is a wraparound L-shaped extension, consisting of rear and side elements. Officers note that the side elevation of adjoining property number 38 features a front door and a very small window in the side elevation at ground floor facing the proposal. From an assessment of the proposed side extension and rear projection, it is considered that while it brings the built form closer to that of adjoining property number 38, it would be set in from the common boundary by approximately 0.8 of a metre. Additionally it is noted that the proposal would project past the single storey rear extension at adjoining property number 38. There is a window in the rear elevation of the aforementioned extension at number 38 and while Officers do not know what room the window serves, it is considered that no detrimental impact would occur with regard to loss of light.

The proposal would be single storey, set in from the common boundary and a 2.0 metre high close boarded fence could be erected along the common boundary. Therefore, it is considered that the proposed side extension and rear projecting element would not have a detrimental impact upon the residential amenity of the occupiers at adjoining property number 38, with regard to overlooking, overshadowing, overbearing effect and loss of light/sunlight.

The proposal also includes a single storey rear extension which would be sited closer to the common boundary of adjoining property number 42, than the existing rear extension. Due to the boundary hedge it is not clear where the ground floor windows in the rear of number 42 are. However, having regard to the boundary hedging, which has an approximate height of 2.0 metres, Officers consider that any windows close to the hedge would already be subject to some loss of light. Additionally having regard to the depth of extensions permitted under Permitted Development the element of the rear extension closest to number 42 would have a depth of 2.3 metres and would comply. Therefore, Officers consider the proposed rear extension to be acceptable with regards to loss of light/sunlight, overbearing effect and overshadowing.

The proposal also includes a larger front porch which from an assessment of the plans and the Officer site visit would be set in an appropriate distance from the common boundary of adjoining properties and as such would not have a detrimental impact on the residential amenity of the occupiers of adjoining properties with regard to loss of light.

With regard to overlooking from the proposed rear extension it is considered that there is sufficient screening to the common boundary of adjoining property 42. Should the hedge ever be removed or die in the future, any overlooking would be to the rear portion of the rear garden of number 42, rather than the primary amenity space immediately to the rear.

When the 45 degree approach is applied, it is considered that no materially harmful overlooking would occur to the rear of adjoining property number 38. Any overlooking would be to the rear portion of the rear garden of number 42, rather than the primary amenity space immediately to the rear.

As such, it is considered that the proposed development would not have a detrimental impact on the residential amenity of the occupiers of neighbouring properties with regard to overlooking, overbearing effect, overshadowing and loss of light/sunlight.

The proposed extension is considered to accord with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan 2011 - 2031.

PARKING AND HIGHWAY SAFETY:

The NPPF supports the adoption of local parking standards for both residential and non-residential development. The Council has adopted the SPG - Parking Standards Arun District 2000 and the standards as set out in the 2003 Arun District Plan. Development proposals should comply with the appropriate guidance as set out within these documents.

Currently there is space for the parking of 2 vehicles to the front of the property with no on road parking restrictions. The applicant has confirmed on the submitted application form that the proposed works would not affect the existing parking arrangements.

Therefore having regard to the West Sussex County Council guidance on parking provision it is considered that given that there are no on road parking restrictions a suitable level of off-road parking would still be available.

Therefore, it is considered that the proposal would not have a detrimental impact on parking and highway safety.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan 2011 - 2031

TREES:

From an assessment of the site visit and an assessment of the plans no TPO trees or trees of any significance would be affected by the proposals.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted.

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 .

Site Location Plan, 1446-2, 1446-3, 1446 4A, 1446-6 and 1446 4B, 1446-5 as annotated with measurements.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policies D DM1 and D DM4 of the Arun Local Plan 2011 - 2031 of the Arun District Local Plan.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 40 Hatherleigh Gardens, Bognor Regis, PO21 5HY as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with Policies D DM1 and D DM4 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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 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.