Recommendation Report for Planning Permission

REF NO: **BR/105/14/PL**

LOCATION: Oban House
9-11 Victoria Drive
Bognor Regis

PROPOSAL: Single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed flat roof rear extension measures approximately 1.8m in width, depth of 3.2m with a height of 3.4m.
SITE AREA	Approximately 0.11 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary has wall + fencing approximately 1.5m in height, rear boundary has a wall, close boarded fencing and hedging over 2m in height, north and south side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Three no two storey buildings with pedestrian link, external fire escape on rear. The properties have brickwork and rendered elevations, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential road comprising flats, two storey detached dwellings of various styles and designs.

RELEVANT SITE HISTORY

BR/500/89	Alterations and extensions to provide for new health area regulations	ApproveConditionally 22-11-1989
BR/41/90	One dormer for lift head for disabled	ApproveConditionally 05-03-1990
BR/120/90	Extension to ground floor lounge	ApproveConditionally 20-08-1990

BR/375/90	Add small wheelchair store to rear yard	ApproveConditionally 19-11-1990
BR/33/95	Pedestrian link between Nos 9 & 11, & No 9 & rear store.	ApproveConditionally 22-03-1995
BR/872/81	Change of use from two self contained flats to rest home	ApproveConditionally 04-11-1981
BR/155/84	Two storey extension to rear of existing nursing home to form new kitchen lounge and additional bedrooms	ApproveConditionally 18-04-1984
BR/120/86	Extension to existing nursing home to form lounge dining room and additional bedrooms and bathrooms	ApproveConditionally 27-05-1986

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

None

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health
No comment

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road
PD Restriction
Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	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

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 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 three buildings are currently occupied as a rest home with a linked pedestrian walkway and there have been various extensions over the years. The application seeks for an infill extension to the rear of the pedestrian walkway which is currently paved.

The proposed extension which will be set in line with the existing flat roof structure will have a width of 1.8m, depth of 3.2m and a height of 3.4 which is the same height as the existing. It will increase the size of the existing bedroom to provide a separate wc and also a separate wc for the adjacent bedroom. The existing window on the rear elevation is to be removed and re-aligned in a new position.

The extension is of a minimal size and the rear elevation is to be rendered to match the existing building. The proposed extension will not be visible to the front of the site and there are no properties directly to the rear.

It is therefore recommended that the application be approved, 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 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 positive impact has been identified upon those people with the following protected characteristics (age, disability).

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, Block, Proposed Floor, Proposed Elevations Sheet 1 of 2, Existing Floor, Elevations, Roof and Proposed Roof Sheet 2 of 2 received on 29th April 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 of the extension 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.