

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

REF NO: BR/106/17/HH

LOCATION: 125 Orchard Way
Bognor Regis

PROPOSAL: Rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The extension will measure 3.7m in depth and 6.8m in width with a flat roof. Bricks will match and the roof will have a felt covering. The extension will retain access to the existing covered passageway.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

1.8m high close boarded fencing to both sides.

SITE CHARACTERISTICS

Mid terraced two storey house with rear garden. Yellow painted bricks and concrete roof tiles. Existing single storey flat roofed rear extension (half the width of the house) in matching brick. This incorporates an existing covered passageway from the rear to the front of the house.

CHARACTER OF LOCALITY

Residential area. Part of a terrace of 4 houses with other terraced and semi-detached properties nearby. Other existing rear extensions. Neighbouring properties as follows:

(1) 123 has a small rear extension adjoined to the applicants existing extension. They then have a conservatory beyond this.

(2) 127 has no rear extensions. Patio doors to a lounge adjacent to the shared boundary.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"No objection"

Four letters of objection raising the following issues:

- (1) Builders waste must be contained within the site;
- (2) Hours of working should not start at 6am or go on til 11pm;
- (3) Loss of light to living room of 127;
- (4) Will need access through neighbouring properties;
- (5) Applicant has damaged boundary fence panels by storing materials/gaining access;
- (6) Summerhouse erected in rear garden with power; and
- (7) Applicant's loft conversion does not have the necessary legal strengthening beams - so no guarantee applicant will follow rules on the extension build.

Comments on Representations received:

The following comments are made:

- (1) This is not a material planning consideration and civil action could be brought if waste is not contained within the property;
- (2) This is not a material planning consideration and is instead covered by the Control of Pollution Act for which the Councils Environmental Health officers would be responsible;
- (3) This will be considered in the report conclusions section;
- (4) This is not a material planning consideration and civil action could be brought if access were taken without consent;
- (5) This is not a material planning consideration and civil action could be brought if the applicant has damaged a third party's property;
- (6) This is not considered to be relevant to the planning merits of the proposed extension. Outbuildings can be erected using permitted development rights and the installation of power does not automatically mean that planning permission is required.
- (7) This is not a material planning consideration and is not relevant to the planning merits of the proposed extension.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class C Road; and
Public Sewer on site.

DEVELOPMENT PLAN POLICIES

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

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design

SD SP2 Built-Up Area Boundary**PLANNING POLICY GUIDANCE**

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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).

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

There are no relevant Bognor Regis Neighbourhood Plan policies.

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 relevant to consider a potential fall-back position in terms of what could be built without planning permission under permitted development rights. Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the construction of single storey rear extensions to a terraced property without any form of application provided that it is no more than 3m and with an eaves height of no greater than 3m.

The proposed extension will have a depth of 3.7m and therefore, it is only the additional 0.7m that actually requires planning permission.

CONCLUSIONS

PRINCIPLE:

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as design, visual & residential amenity and highway safety/parking.

RESIDENTIAL & VISUAL AMENITY:

Arun District Local Plan Policy GEN7 indicates that planning permission will only be granted for schemes displaying high quality design & layout and do not have an unacceptable adverse impact on adjoining occupiers. Furthermore, Policy DEV19 requires that extensions be visually subservient to the existing building, reflect the existing streetscene, not result in a terracing effect and be visually integrated with & sympathetically relate to the existing dwelling. Policy DEV19 also requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The extension is to the rear and the site is sandwiched between two other gardens such that the extension will not be visible in the streetscene or affect the front appearance of the dwelling.

Furthermore, the extension being flat roofed & single storey and with matching wall materials will clearly be subservient in height and integrate visually with the host dwelling. The design is considered to be appropriate and therefore appropriate.

The extension will be set in slightly from the neighbouring boundaries (0.8m from 123 & 0.15m from 127). It will extend out 3.7m from the rear of the house and this is the same depth as the existing rear extension. Therefore there will no worse impact on no. 123. The occupier of 127 is concerned that the extension will lead to a loss of light to their ground floor living room. They have a lounge window on the affected side and it is therefore necessary to consider whether the proposed extension will have an adverse impact on their amenity by reason of loss of light.

The proposed extension will impinge on a 45 degree angle drawn from the centre of the neighbours lounge window and will result in some shading to the window in the afternoon/evening. However, regard is had to the flat roofed nature of the extension as the sun will be high in the sky when any impact will occur. If the roof were pitched then there would be a greater impact. Furthermore, it is noted that a 3m deep rear extension would be permitted development and it is only therefore the additional 0.7m that requires the planning permission. It is not considered that the impact of the proposed extension is significantly worse than would be the case with a permitted development extension and for this reason, it is considered that the proposal complies with the relevant policies.

SUMMARY:

The scheme is not considered to have materially adverse impact on the visual amenity of the dwelling, character of the area or the residential amenity of the adjacent dwellings. It is considered that the application complies with all development plan policies and it is therefore recommended that planning permission be granted subject to the following 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 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:

1360-01 Rev A "Site Location & Block Plans";
1360-3 "Ground Floor Plan As Proposed"; and
1360-5 "Elevations As Proposed".

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 with 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 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.