

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

REF NO: BR/115/17/HH

LOCATION: 18 Marshall Avenue
Bognor Regis

PROPOSAL: First floor rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The extension would be built over the existing single storey rear extension and have a hipped roof which would be full height and project from the ridge of the existing roof. Materials to match have been specified and the extension would accommodate a master bedroom with en-suite.

SITE AREA

0.05 hectares.

TOPOGRAPHY

Predominantly flat.

BOUNDARY TREATMENT

1.8m fence to side (behind house) and rear boundaries. 1m close boarded fence to side (front of house) and front boundaries.

SITE CHARACTERISTICS

Two storey detached house with garden and parking to front, garage to side and garden to rear. The house has a hipped roof and adopted pedestrian highways to the east side.

CHARACTER OF LOCALITY

Suburban residential area formed mainly of detached two storey dwellings, set back from the road with gardens to rear.

RELEVANT SITE HISTORY

No relevant history.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council
No objection.

One public representation received from the occupants of number 16 Marshall Avenue (neighbouring property to the east, separated by the pedestrian right of way). Objecting on the grounds of loss of light to number 16s kitchen resulting from the extension.

Comments on Representations received:

Comments noted.

The windows of the kitchen of number 16 are approximately 6.75m away from the proposed first floor extension. Whilst it is agreed there will be a loss of light, this is not considered to be significant or detrimental and could not on its own be reason to refuse the application. A kitchen is not considered to be a habitable room for the purposes of daylight testing. The extension passes the 45 degree line test to the rear windows of number 16 and is located to the north east of number 16, thus it is, also not considered to result in significant loss of sunlight through overshadowing. The extension would have a hipped roof that recedes away from the south east where number 16 is located, further limiting the impact in terms of loss of light and visual intrusion.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

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

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

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
SD SP2 Built-Up Area Boundary
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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).

No Bognor Regis NDP policies are relevant to this application.

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 conflict with relevant Development Plan policy DEV19 as it would not be subservient to the host dwelling. The roof would project directly from the existing roof ridge and not be set down.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely as the extension is to the rear and would appear integrated with the main dwelling with materials to match existing, it is considered to respect the character of the host dwelling and surrounding street scene. The proposal 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.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

Saved policy GEN7 (ii) states (partial extract):-

Development will be permitted provided it:

(ii) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;

Saved Policy DEV 19 states:

"Planning permission will be granted for extensions to existing residential buildings, provided that:-

(i) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;

(ii) the extension is visually subservient to the main building;

(iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;

(iv) in streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;

(v) the extension does not compromise the established spatial character and pattern of the street."

It is noted that the proposed extension is not set down from the main roof to achieve subservience, and given the dual frontage of the site (owing to the location of the adopted public footpath) to the south east it is important that the extension harmonises with the character of the dwelling. Although the extension does not achieve this subservience, it would have a hipped roof and be of materials to match existing. Furthermore, it is not considered to project excessively into the rear garden, and would be over an existing single storey rear extension. As such, whilst not subservient, the extension is considered to be in character with the existing dwelling, harmonising with its appearance and meeting the requirements of GEN7, DEV19 and emerging policies DDM1 & DDM4. The development is considered to be acceptable in terms of design and visual amenity, materials to match will be controlled by condition.

RESIDENTIAL AMENITY

Saved policy GEN7 states:-

Development will be permitted provided it:

- (iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites;
- (v) takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property;

DEV 19 states:-

Planning permission will be granted for extensions to existing residential buildings, provided that:-

- (iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;

The windows of the kitchen of number 16 are approximately 6.75m away from the proposed first floor extension. Whilst it is agreed there will be a loss of light, this is not considered to be significant or detrimental and could not on its own be reason to refuse the application. A kitchen is not considered to be a habitable room for the purposes of daylight testing. The extension passes the 45 degree line test to the rear windows of number 16 and is located to the north east of number 16, thus it is, also not considered to result in significant loss of sunlight through overshadowing. The extension would have a hipped roof that recedes away from the south east where number 16 is located, further limiting the impact in terms of loss of light and visual intrusion. A first floor side facing window is proposed but this will be conditioned to be obscure glazed and fixed shut to a level 1.7m above finished floor level. The proposed rear facing windows are not considered to increase communal overlooking of neighbouring gardens to a harmful level.

The opposite adjacent property is number 20. The extension is not considered to have a detrimental impact on its residential amenities. Number 20 is separated by 18's existing garage, more than 5m away and would be set modestly back (almost in line) from the with the extension as it has an existing single storey rear extension. Given the set away of the extension it is not considered the side facing ground floor windows of number 20 would receive an unacceptable loss of light and the development passes the BRE light test to the rear windows of number 20. The separation of the extension and number 20 and the receding roofline are also considered to

result in no significant overbearing or visually intrusive impact on the residential amenities of number 20 and the first floor side facing window will also be conditioned to be obscure glazed.

The proposal is considered to be acceptable in terms of impact on residential amenity of surrounding properties complying with and meeting the requirements of GEN7, DEV19 and emerging policies DDM1 & DDM4.

The application is considered to comply with saved policies of the Arun District Local Plan and emerging policies of the Arun District Local Plan 2011-2030 publication edition (as amended).

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:-

Location Plan & Site Plan
Proposed First Floor Plan
Proposed Elevations
Proposed Roof Plan

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 and roof of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The first floor windows on the south-east and north-west elevations of the extension shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a height 1.7m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 **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.