

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

REF NO: BR/11/15/HH

LOCATION: 29 Hillsboro Road
Bognor Regis

PROPOSAL: Replacement single storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey side extension measures approximately 12.7m maximum in depth, 2.6m maximum in width with a maximum height of 3.2m.
SITE AREA	Approximately 384 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 fencing approximately 1.5m in height, rear has close boarded fencing 1.8m in height supplemented by hedging/tree screening over 2m in height, side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey dwelling which has previously been extended with a two storey side extension to rear of garage, single storey covered way and store/wc on side (to be demolished), raised decking area to rear. The property has brickwork on lower level with cream painted render, sand coloured weatherboarding on upper level with a red tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential road comprising detached and semi-detached properties of various styles and designs.

RELEVANT SITE HISTORY

BR/115/10/	Ground floor kitchen & dining extension with first floor bedroom over.	Refused 05-07-2010
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BR/286/10/	Ground floor kitchen and dining extension with first floor bedroom over.	ApproveConditionally 17-11-2010
BR/243/14/NMA	Application for a non-material amendment following a grant of planning permission BR/286/10 for change in roof design above the garage including squaring off diagonal piers & amended first floor window, use of sand weatherboarding on extension and dwelling..	Approve 14-10-2014

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection

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

No Public Sewer

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)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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).

The Bognor Regis Neighbourhood Development Plan is at an early stage of development.

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 single storey side extension comprising a covered way with shower room.

The property has an existing covered way with storage area/wc on the southern side of the dwelling that is sited to the boundary of the site and is set back from the front flank wall of the dwelling by 2.5m with a rear projection of approximately 10.7m. This structure is to be removed and the proposed extension will be sited 0.6m from the front flank wall of the dwelling and will extend along the southern side boundary by approximately 12.7m. It will extend beyond the rear flank wall of the dwelling by 4.6m with a maximum width of 2.6m. The existing structure has a hipped roof and the proposed structure will be of a similar height with matching materials to those of the host dwelling. To allow for additional light into the covered way four roof lights are proposed and these will be sited approximately 2.1m from ground floor level.

With regard to residential amenity the neighbouring property to the south No 27 is sited approximately 2m away. This property has two small windows at ground floor level and three windows at first floor level. On the rear elevation there is a window at ground floor level which serves a kitchen. The Council as a consideration in determining planning applications have adopted a 45 degree rule which is a tool that is used to balance the interests of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. The 45 degree line has been taken from the middle point of the kitchen window and although short of this rule it is not considered that the proposed extension which is of a similar height and depth to the existing structure would create a loss of outlook or daylight to the occupiers to warrant a refusal.

The extension which is visually subservient to the host dwelling would not 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 received on 21st January 2015.

Location 1:1250, Site 1:500 dt 21.1.15.
Proposed Ground Floor 1:50 Rev B dt 5.12.14.
Proposed Elevations 1:100 dt 5.12.14.

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 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 **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.