

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

REF NO: BR/135/15/HH

LOCATION: 23 Sandymount Avenue
Bognor Regis

PROPOSAL: Single storey pitch roof replacement rear extension & first floor side extension.
Resubmission of BR/82/15/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed first floor extension has a width of 3m, depth of 10m with a maximum height of 4.4m.

The proposed single storey hipped roof rear extension has a width of 5.3m, width of 4.5m with an eaves height of 3.5m and maximum height of 4.5m.

SITE AREA

Approximately 399 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Front has tarmac and gravel area. Rear has close boarded fencing plus tree screening, rear east side boundary has established hedging over 2m in height, rear west side boundary has close boarded fencing with established hedging 1.5m and over 2m.

SITE CHARACTERISTICS

Semi-detached two storey property with catslide roof on western side, single storey rear extension, main entrance is on the western side. The property has smooth rendered walls painted white, red tiled roof with white window frames.

CHARACTER OF LOCALITY

Residential comprising semi-detached properties of similar style and design.

RELEVANT SITE HISTORY

BR/82/15/HH	Single storey pitch roof replacement rear extension & first floor side extension	Withdrawn 29-05-2015
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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

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN7

Publication Version of the Local
Plan (October 2014):

Extensions to existing residential buildings
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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering, Arundel; Barnham & Eastergate; Bersted, East Preston, Felpham, Ferring, Kingston, Littlehampton, Rustington and Yapton.

The Bognor Regis Neighbourhood Development Plan has recently been out to consultation and will now be reviewed prior to submission to Arun District Council.

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 first floor side extension with single storey rear extension which will replace the existing extension. This is a re-submission of a previous application BR/135/15/HH for a first floor side extension and rear single storey extension which was withdrawn. The first floor extension remains the same but the rear single storey extension has been reduced in depth from 8.5m to 4.5m.

The property has a catslide roof on the western side and the proposed first floor extension will be set lower than the main ridge height and will extend along the side elevation. This will extend the existing bedroom accommodation with the creation of a new bathroom. The walls will be rendered on the lower level with vertical tile hanging on the upper level and a tiled roof that will match the host dwelling. With regard to residential amenity there is a shared driveway with No 21 and this property is sited approximately 2m away. This property has three windows and entrance door on the ground floor east side elevation fronting the proposal. Two of these windows are obscure glazed and the third is an ancillary kitchen window. The proposal has three windows at first floor level, two serve bedrooms and the third a bathroom and, if approved, a condition will be imposed that the bathroom window be obscure glazed. It is not considered that the first floor extension would create a loss of outlook or unacceptable overlooking to the occupiers to recommend refusal.

The neighbouring property to the west No 21 has a rear extension and there is a detached garage that is sited to the boundary with No 23 and the proposed extension will be sited approximately 4m away. It is not considered that the replacement extension would create a loss of outlook or daylight to the occupiers. The rear garden has a terraced area and the single storey rear extension is sited on raised decking and is accessed via steps. The structure is sited approximately 0.3m from the east side boundary with the neighbouring property No 25 and this extension has a rear projection of 4.5m with a height of 3.8m. The proposed replacement extension which has a hipped roof will be set in from the east side boundary by 0.3m and will extend along the rear elevation with a depth of 4.5m, eaves height of 3.5m and a maximum height of 4.5m. 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. In this instance the 45 degree line has been taken from the middle point of the patio doors on No 25 and does not comply. However, with the roof sloping away from the boundary and the existing structure which has the same rear projection of 4.5m it is not considered that this would create any unacceptable overshadowing or loss of outlook than currently exists to recommend refusal.

At the time of the officer's visit it was noted that there were first floor extensions at Nos 24 & 30 and there were also side dormers at Nos 7,16,17, 20 and 26. Whilst the rear extension will not be visible in the street scene it is not considered that the first floor extension would have a significant impact on the visual amenities of the locality or have an adverse impact on the residential amenities of the neighbouring dwellings.

It is therefore recommended to approve the application, 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 which were received on 12th June 2015.

Location/Block Drg No 1513/P/01 dt March 2015.
Proposed Floor Drg No 1513/P/04 Rev A dt June 2015.
Proposed Elevations Drg No 1513/P/05 Rev A dt June 2015.
Perspective Views Drg No 1513/P/06 Rev A dt June 2015.

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 single storey rear extension and roof of the first floor extension hereby permitted shall match in colour and texture those of the host dwelling.

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

- 4 The bathroom window at first floor level on the west side elevation of the extension shall at all times be glazed with obscured glass.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.