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

REF NO: **BR/144/12/**

LOCATION: 6 Nyewood Place
Bognor Regis

PROPOSAL: Dormer extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed dormer extension measures approximately 3m in width, depth of 2.7m and a height of 2.3m.
SITE AREA	Approximately 70 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGROPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open, rear elevation overlooks garden of No 7 Ellasdale Road, west side boundary to front brick wall approximately 2m in height.
SITE CHARACTERISTICS	End of terrace property consisting of 4 properties, parking to front. The property has rendered walls painted cream, tiled roof wiith black painted window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising terraced properties of similar style and design.

RELEVANT SITE HISTORY

BR/363/86 To re-instate office/warehouse to its original use as 4 x 2 bedroom cottages with parking 6,7,8 & 9 Nyewood Place, Bognor Regis
Approve/Conditionally 27-10-1986.

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
PDR on BR/363/86 re windows or other openings.

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

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.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the neighbouring properties.

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 dormer on the rear of the property which will enlarge the existing bedroom.

The property was formally a warehouse and was converted into a two bedroom residential unit under planning permission BR/363/86. Condition No 6 stated that 'no windows or other openings (other than those shown on the plans approved) shall be fomred in the north east and west elevation of the building without the prior permission of the Local Planning Authority on an application in that behalf.

The existing property has two roof lights that are sited on the rear north elevation and the proposed dormer with a clear glazed window will replace these openings. It measures approximately 3m in width, depth of 2.7m and a height of 2.3m. The front elevation will be tile hung with tiles that match the existing roof and the sides softwood shiplap.

With regard to residential amenity there is no rear amenity area for this property and the proposed dormer will look directly into the rear amenity area of the neighbouring properties in Ellasdale Road. It is considered that it would have the most impact on No 7 which is sited approximately 11m away and the ground floor property has french windows that look directly out into the rear garden. The proposed dormer by reason of its bulk, height and clear glazed window would dominate the rear of the property and would cause overlooking and loss of outlook to neigbouring properties in Ellasdale Road and in particular to the occupiers of No 7.

It is therefore recommended that the application be refused for the following reason.

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 (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 refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbouring properties and future occupiers). 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

REFUSE

1 The proposed dormer extension by reason of its size, bulk and position of window would adversely affect the rooflines in the vicinity and would give rise to direct overlooking and loss of outlook to neighbouring properties to the rear in Ellasdale Road. It is therefore contrary to policy GEN7 of the Arun District Local Plan.