

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

REF NO: BR/152/13/

LOCATION: 33 Wood Street
Bognor Regis

PROPOSAL: New replacement conservatory

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is to replace the existing conservatory (3.2m wide by 3.8m deep by 2.2m eaves height/2.9m pitch height) with a new conservatory (4.7m wide by 3.7m deep by 2.25m eaves height/3.4m pitch height). The new conservatory will now span the entire width of the rear of the house.</p> <p>Unlike the existing conservatory which has part brick/part UPVc windows to its sides, the new conservatory will have completely brick sides. There are windows and a door to the rear elevation and a UPVc glazed pitched roof.</p>
TOPOGRAPHY	<p>The site is predominantly flat.</p>
TREES	<p>No trees affected by the proposed development.</p>
BOUNDARY TREATMENT	<p>The boundary to the neighbour at 31 Wood Street is a 1.6m brick wall. To the other side, there is a 1.8m high close boarded fence.</p>
SITE CHARACTERISTICS	<p>This is one half of a semi-detached two storey dwelling with a fairly substantially deep garden to the rear. The conservatory is to be located on the site of an existing. The dwelling has the same building line as the other half of the semi (no. 35) but is set slightly further back than the closest part of no. 31's rear.</p> <p>No. 31 has three ground floor openings on the affected part of its rear elevation. One of these is a rear facing secondary lounge window, another is a side facing principal dining room window and the third, the side facing kitchen door.</p>
CHARACTER OF LOCALITY	<p>Wood Street is located two streets to the north of the mixed commercial/residential Aldwick Road. Wood Street as with other surrounding roads is residential in character and is a mix of two storey semi-detached and two storey terraced dwellings. Oxford Street to the immediate south serves the rears of properties on Wood Street and on</p>

Aldwick Road.

RELEVANT SITE HISTORY

BR/876/78	Conservatory	ApproveConditionally 13-12-1978
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It is understood from the planning records that the existing conservatory was approved by application ref BR/876/78.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 DEV19	The Form of New Development Extensions to existing residential buildings
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to

be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.¿

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

Having been in the neighbours dining room and looked out of the window onto the application site, it is clear that the existing situation whereby the two neighbours can currently look onto each other will be altered by virtue of the solid side brick wall of the new conservatory. This will result in a worse outlook for the occupiers of 31 and some loss of sunlight towards the end of the day; however regard is to be had to the existing 1.6m high brick boundary wall and the fact that the neighbours have not objected (this was also verbally confirmed during the site visit).

There is no impact to the other neighbour due to the fact that the new conservatory adopts the same line in relation to that boundary and in fact is slightly shorter in depth than the existing. The 0.5m increase in height over the existing situation is not considered to have any impact on the character of the dwelling and the new conservatory still appears as a subservient extension to the dwelling.

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: Drawing Ref DPA-00 Rev 01 "New Replacement Conservatory Location, Site, Floor Plans and elevations" (18/06/13).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with DEV19 and GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls of the conservatory hereby permitted shall match in colour and texture 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 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.