

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

REF NO: BR/154/12/

LOCATION: 93 Orchard Way
Bognor Regis

PROPOSAL: Extension to rear of property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey rear extension measures approximately 5.8m in width, depth of 3.2m with a maximum height of 3.7m.
SITE AREA	Approximately 195 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing approximately 1.8m to rear and side boundaries.
SITE CHARACTERISTICS	Terraced two storey property with conservatory on rear, front and rear dormers. Parking to front of site. The property has painted brickwork, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential road comprising semi-detached and terraced properties of similar style and design.

RELEVANT SITE HISTORY

BR/20/06/	Loft conversion and dormers to front and rear elevations to provide bedroom and bathroom.	Approve Conditionally 26-04-2006
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REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection to the extension but the Committee queried why the proposed north elevation shows a velux window which is not on the existing plans and there is no reference to this in the application. Also why there seems to be an alteration to the first floor window on the north elevation.

Comments on Representations received:

Comments noted

The application is to consider the rear extension only and not to consider the roof light and revision to window on the front north elevation. A previous application BR/20/06 for loft conversion with dormers which was approved and implemented did make reference to the roof light and window detail on the front north elevation.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road

The Emerging Arun District Local Plan has recently been approved by the Council and is therefore a material consideration 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:	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
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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.

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 property has previously been extended with front and rear dormers and on the rear elevation there is an existing conservatory. The application seeks to remove this structure and erect a single storey rear extension with hipped roof.

The existing conservatory is sited on the rear elevation to the eastern side boundary and has a width of 2.2m, depth of 2.5m with a height of 2.6m. The proposed hipped roof extension will be the whole width of the dwelling with a depth of 3.2m and a maximum height of 3.7m. It is considered to be of an acceptable size and height that is visually subservient to the main dwelling.

With regard to residential amenity the neighbouring property to the west No 91 is sited approximately 2.5m away. With its hipped roof that slopes away from the boundary and the absence of windows on the side elevation it is not considered that the proposal would detrimentally harm the occupiers of this property by way of overbearing affect and loss of outlook. The adjacent property No 95 has patio doors on the rear elevation and whilst it is accepted that this does not meet the 45% degree rule when measured from the middle point of these windows it is not considered that the proposal is of an unacceptable level to warrant a refusal. With its hipped roof and the absence of windows on the side elevation it is not considered to be of an overbearing nature or create loss of outlook to the occupiers of this property. It should be noted that a single storey extension with a depth of 3m and height of 4m could be constructed under "Permitted Development" without the need for a formal planning application.

Due to its rear location the proposal would not be visible in the street scene, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended to approve the application, subject to conditions.

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 for private and family life) and Article 1 (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: Site 1:1250, Block 1:500, Proposed Floor/Elevations Drg No KS/NSS/01 received on 23rd July 2012.

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 building hereby permitted shall match in colour and texture those of the existing building.

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

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

THE NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.