

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

REF NO: BR/157/15/HH

LOCATION: 116 Hawthorn Road
Bognor Regis

PROPOSAL: Alteration to roof to form gable end to provide new 2nd floor with rear dormer projection.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above with two velux windows to the front roof. The dormer measures 2.4m high by 5.3m high by 2.6m deep. It is set in from the bottom/top/sides.
SITE AREA	Approx. 252 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat but retaining wall within rear garden stepping up by approximately 500mm.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary kept by close board timber fencing approximately 2m in height. Side boundaries enclosed by concrete block walling.
SITE CHARACTERISTICS	Semi-detached 2 storey dwelling, two different brick colours to ground floor elevations with render above. Hipped concrete tiled roof, flat roof single storey addition to rear elevation and single pitched section to front. 2 Storey side extension. Detached flat roof outbuilding within rear garden forming section of north boundary.
CHARACTER OF LOCALITY	Sited within a residential area, characterised by semi-detached and terraced dwellings. Car park and access road to the north of the dwelling. Private alleyway and residential garden to the west. Public house opposite the site. There are no obvious examples of rear dormers in the locality but some properties on Hawthorn Road have converted their lofts with the use of velux windows.

RELEVANT SITE HISTORY

BR/334/88	Kitchen extension, garage, bathroom extension and bedroom	ApproveConditionally 11-07-1988
BR/212/01/	Loft Conversion	ApproveConditionally 05-09-2001
BR/102/11/	Removal of existing flat roof storage building and replace with pitched roof storage building	Refused 28-06-2011

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - two responses with different dates both stating "No objection".

One letter from the adjoining neighbour stating that: "Further to our telephone conversation, I can confirm that I object to the proposed work being carried out at 116 Hawthorn Road, Bognor Regis. Ref : BR/157/15/HH, for the following reason's:

- * The current owner Mr Tolysz does not live at the property, he currently sub lets it to between 8 and 12 tenants;
- * As far as I am aware by on line search there is no licence for this property to be in multiple occupancy; and
- * My main concern is that having no licence, this property has not been assessed for fire risk. Adding another two bedrooms in the loft as per this proposal will only increase the amount of occupants living there and will further increase the risk of fire. As the family living in the adjacent half of his semi detached, this is of grave concern to us. I am also concerned for Mr Tolysz's tenants who in the event of a fire would have little or no means of escape.

I would ask that a hold be put on these proposed works until a proper risk assessment is carried out of the property by the councils environmental department."

Comments on Representations received:

Town Council comments noted.

The neighbours comments are being investigated by the enforcement team but are not considered to relate to the relevant planning aspects of the proposed extensions (i.e. privacy, overlooking, character, streetscene, design or parking). With regards to fire safety this is an issue that would be considered by the building regs application that would need to be submitted.

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 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).

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 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 proposal is for the addition of a gable to the main roof, a rear box dormer and two front velux windows. The proposal results in a net addition of 1 bedroom and 1 bathroom. It is considered that the proposed rear dormer and the hip to gable addition may benefit from permitted development rights by virtue of their volume being less than 50m², them not being on a front elevation and the height not exceeding the existing. However, to fully benefit from permitted development rights, it would be necessary to construct the roof first and then do the dormer separately.

The addition of the new gabled roof will not match with the other half of the semi. However, the existing pitched roof two storey extension already unbalances the pair of semi's and the area in which the property is located, does not have any uniform character with a detached dwelling to the southwest, a terrace of four to the north east and a public house opposite. Furthermore, the existing hipped two storey extension will part mask what could otherwise be a stark gable end. There are also other examples of loft conversions and velux windows in nearby properties.

The dormers are considered to be far enough away from the dwellings to the north west so as not to result in any detrimental loss of amenity - and the dormers could be constructed under permitted development rights if the roof addition was done first. The additional bedroom takes the number to 5 but the property benefits from two off-street parking spaces and there is on-street parking available. Therefore, the site can accommodate the potential increase in people associated with the extra bedroom. It is therefore recommended that the application is approved, subject to the following 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 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:

Sheet 1 of 3;
Sheet 2 of 3; and
Sheet 3 of 3.

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 new roof of the extended dwelling 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 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 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.