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

REF NO: BR/15/15/HH

LOCATION: 14 Den Avenue
Bognor Regis
PO21 1HE

PROPOSAL: First floor extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed first floor extension measures approximately 5m in width, depth of 5.1m with a maximum height of 6.2m measured from ground floor level.
SITE AREA	Approximately 475 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the front with paved driveway, close boarded fencing approximately 1.8m to rear, west side boundary to road close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey with front porch, single storey extension on western side, conservatory on rear. The property has brickwork on the lower level with pebbledash on upper level, red tile hanging on front gable and above bay window, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising detached two storey properties of various styles and designs.

RELEVANT SITE HISTORY

BR/210/84	Garage Extension	ApproveConditionally 04-04-84
BR/65/54	Garage	Permit'd Devel
BR/107/93	Conversion of loft space to habitable room	ApproveConditionally 18-06-93

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DEV19 Extensions to existing residential buildings

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).

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.

CONSIDERATION OF ALTERNATIVE SITES

FOR TEL's only
The applicants report received with this application explains that alternative sites have been considered. These include the following:
(List site address and reason discounted)

CONCLUSIONS

The application seeks to construct a first floor extension above the existing single storey addition.

The property is sited at the far end of a residential cul-de-sac and there are no properties to the west with open fields to the rear. The single storey hipped roof extension is sited on the western side of the

dwelling and set back from the front boundary by approximately 4m. It was formally constructed as a garage extension and has subsequently been converted into living accommodation under Building Regulations. The proposed first floor addition which has a hipped roof is set lower than the existing ridge height and will create a new bedroom. The external appearance of the lower level remains the same with brick and pebbledash and the upper level will be tile hung.

The properties to the west in Den Avenue are sited approximately 20m away so it is not considered that the first floor addition with new window would create any unacceptable overlooking than currently exists from the first floor windows.

The proposal is considered to be in keeping with the character and appearance of the locality. it would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of neighbouring properties.

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 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 received on 26th January 2015.

Location 1:1250, Site 1:500 dt 29.12.14.

Proposed Ground Floor 1:50 dt 7.1.15.
Proposed First Floor 1:50 dt 7.1.15.
Proposed Elevations 1:100 Rev A dt 17.1.15.
Existing/Proposed Roof 1:500 dt 21.1.15.

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 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.