

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

REF NO: BR/162/17/HH

LOCATION: 11 Newhall Close
Bognor Regis

PROPOSAL: Proposed side & rear extensions (resubmission of BR/50/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The extension would be the same height as the existing dwelling at both eaves and roof height. The extension would project to the east side and rear (north) and join to a single storey rear extension with dummy hip roof. New hipped roof to front and rear dormer windows.

SITE AREA

0.11 hectares.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m fence to sides and rear with vegetation. No boundary treatment to front.

SITE CHARACTERISTICS

Detached chalet bungalow on inverse corner plot with detached garage to side and driveway to front and side. Gardens to front east side and rear.

CHARACTER OF LOCALITY

Suburban residential location formed of detached chalet bungalows (with various extensions), set back from the road with off street parking and front and rear gardens. The road has an open plan nature.

RELEVANT SITE HISTORY

BR/50/17/HH	Two storey side & single storey rear extension.	Withdrawn 15-05-2017
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Similar application withdraw earlier in the year. The Council recommended a reduced size scheme may be acceptable.

REPRESENTATIONS

Representations received:
Bognor Regis Town Council

No objection.

One public representation received. Objecting on the grounds of:-

-lack of details of windows being shown on plans and potential for the applicant to insert additional roof lights.

Comments on Representations received:

Comments noted.

No details of windows to bedroom 3 have been provided. Should roof lights or a dormer be proposed a further planning permission would be required amending this application, should permission be granted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
 GEN2
 GEN7

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

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
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version)

October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

No Bognor Regis NDP policies are relevant to this proposal.

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 the side extension would not be subservient to the character and appearance of the host dwelling.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

Whilst the side extension would not be subservient to the main dwelling, it is in character with the host property as it would have the same roof profile and overall form. The character of the property as a detached chalet bungalow will be retained and an exception to policy DEV19 can be made in this instance. Overall the proposal 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.

CONCLUSIONS

Principle

The site is located within the built up area boundary where the principle of development is acceptable in line with saved policy GEN2.

Design and Visual Amenity

The side extension and new roof over the front dormer are the only sections of the proposal visible from the street scene. Whilst the side extension is not subservient to the host dwelling, it is design in character with the main property and would have the same roof slope and overall form. It is considered that the character of the dwelling as a detached chalet bungalow is retained. The resultant size of the bungalow is not considered to be so large that it would detract from the overall pattern of development of the street.

The new roof over the front dormer would be residential in appearance and in character with the main dwelling.

Materials to match existing will be controlled via condition.

The proposal is considered to be acceptable in terms of design and visual amenity in compliance with policies DEV19 and GEN7.

Residential Amenity

The side extension would be set back from the shared boundary with number 15 by approx. 4m and be single storey with a chalet roof that recedes away from number 15. As such it is not considered that it would have an overbearing or visually intrusive impact on the residential amenities of No 15. Nor would it result in significant overshadowing or loss of light.

The rear extensions would be set away from number 9 and be separated by the existing garages so would have a limited impact in terms of visual intrusion on number 9.

No west facing windows are proposed so it is not considered that there will be an significant overlooking or loss of privacy to number 9. No new windows are proposed facing number 15 and the side and rear windows will face over the host properties dwelling. It is not considered that the proposal could give rise to loss of privacy through overlooking. Should front roof lights be proposed in the side extension, these are not considered to increase communal overlooking of

front gardens, namely that of number 15.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with policies DEV19 and GEN7.

The application is considered to meet the aims of the development plan and is recommended for conditional permission.

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 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:-

1388-01

1388-4

1388-5

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 roofs of the extensions hereby permitted shall match in colour and texture those of the existing dwelling.

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.