

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

REF NO: BR/164/12/

LOCATION: 68 Hook Lane
Felpham

PROPOSAL: Small raised decking to rear elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Application seeks consent for a raised decked area to the rear elevation.
SITE AREA	Approximately 630 sq m
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Gradual incline with lower ground level to south (rear).
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None to front. 2 metre high fence, trellis and climber to side boundary (east). Detached timber outbuilding abuts east boundary.
SITE CHARACTERISTICS	Detached two storey chalet bungalow faced in yellow render with a hipped, tiled roof. Driveway to front.
CHARACTER OF LOCALITY	Predominantly residential comprising two storey dwellings of various character and design. University campus to south (rear).

RELEVANT SITE HISTORY

BR/94/97	Rear extension & conservatory	Approve Conditionally 06-06-1997
BR/120/98/	Front porch	Approve Conditionally 04-08-1998
BR/224/05/	Dormer window to rear elevation.	Approve Conditionally 04-08-2005

REPRESENTATIONS

Representations received:
Bognor Regis Town Council
No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within built-up area boundary

DEVELOPMENT PLAN POLICIES

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

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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination 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 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

DESIGN

The timber decking area will be positioned to the rear of the dwelling. It will measure 2.8 metres in

width by 1.8 metres in depth, approximately 800mm above ground level. It will be enclosed by a timber handrail, 1 metre in height, with steps leading to the rear garden. There is a change in ground levels of approximately 1 metre towards the rear of the plot, with ground levels sloping to the south.

VISUAL AMENITY

The proposal is a small scale addition to the property that will have no adverse visual impact on the streetscene or surrounding area.

RESIDENTIAL AMENITY

The decking will be screened by an existing covered lean-to at the rear of the dwelling. Owing to its siting, it will have no impact on the residential amenities of the neighbouring property to the west (no. 66).

With regard to no. 70 to the east, the proposed decking will be set back approximately 2 metres from the side boundary, which comprises high boundary fencing and trellis, approximately 2 metres in height, supplemented by climbing plants. There is a timber detached outbuilding within the rear garden of the application site that abuts the common boundary to no. 70. It is considered that given the distance from the shared boundary, the high boundary treatment and the outbuilding, combined with the small area of the decking (approximately 5 sq m) the will not give rise to unacceptable overlooking. As such, the proposal is not considered to be detrimental to the amenities of the neighbouring property.

It is therefore recommended that consent is granted, subject to the conditions summarised below.

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 to private and family) 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 (Neutral) 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).

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 plan and block plan, proposals 01 existing and proposed floor plans; proposed elevations, received on 28 June 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 **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: GEN7, GEN2, DEV19

NATIONAL POLICIES: National Planning Policy Framework (2012)

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