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

REF NO: **BR/200/14/HH**

LOCATION: 5 Highcroft Cresent
Bognor Regis

PROPOSAL: Rear extension & replacement garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed garage with rear extension has a maximum width of 8.85m, maximum depth of 6.9m with a maximum height of 3m with roof lights.
SITE AREA	Approximately 315 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has dwarf brick wall, rear has hedge approximately 1.8m in height, west side boundary has close boarded fencing with trellis approximately 1.8m-2m in height, east side boundary has close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Semi-detached bungalow with detached garage to rear, covered way on east side. The property has yellow painted render and yellow brickwork, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising semi-detached bungalows of similar style and design.

RELEVANT SITE HISTORY

BR/74/49	Detached bungalow	Approve 21-04-1949

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:
None

CONSULTATIONS

Consultations responses received:
None
Comments on Consultation responses:
None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	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	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: Arundel; Barnham & Eastergate; Felpham.

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 application seeks to construct a garage on the side with a rear extension.

The dwelling has an existing detached garage that is sited to the rear on the eastern side boundary which is in a poor state of repair and this is to be removed. The replacement garage will be sited to the rear of the dwelling forward of the existing structure on the east side boundary with a maximum height of 3m. The rear extension which will link up with the garage has a rear projection of 4.8m and a maximum height of 3m. To provide additional light into the rear extension 2 no. roof lights are proposed and these will be positioned in the middle of the flat roof.

The neighbouring property to the east No 3 is sited approximately 5m away. This property has a detached garage sited to the western side boundary and on the dwelling there is a car port on the western side and a rear conservatory. The Council as a consideration in determining planning applications have adopted a 45 degree rule and this rule is used as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. The 45 degree line has been taken from the middle point of the neighbouring conservatory and complies with this rule.

With regard to the neighbouring property to the west No 7 this property has a rear conservatory. It is not considered that the rear extension which projects forward of this structure by approximately 1.8m would conflict with the 45 degree rule or would give rise to loss of outlook or unacceptable overshadowing to the occupiers to recommend refusal.

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 (right to respect for 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 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 2nd September 2014

Location 1:1250, Block 1:500, Existing/Proposed Roof 1:100, Section 1:50 Drg No 090514/TP.04'A' dt 28.7.14.
Proposed Floor Drg No 090514/TP.02A dt 30.5.14.
Proposed Elevations 1:100 Drg No 090514/TP.03 dt 2.7.14.

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.