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

**REF NO:** **BR/213/13/**

**LOCATION:** 30 Kew Gardens
Bognor Regis

**PROPOSAL:** Single storey side extension

## SITE AND SURROUNDINGS

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| DESCRIPTION OF APPLICATION | The proposed side extension measures approximately 4.4m maximum in width, maximum depth of 8.4m and a maximum height of 4.2m. |
| SITE AREA | Approximately 210 square metres. |
| RESIDENTIAL DEVELOPMENT DEN | N/A |
| TOPOGRAPHY | Predominantly flat |
| TREES | None affected by the proposed development. |
| BOUNDARY TREATMENT | Front is open to the highway, close boarded fencing to side boundary 1.8m in height. |
| SITE CHARACTERISTICS | Semi-detached two storey property with tiled canopy over front entrance porch, paved area to front and tarmac driveway to south side. The property has light brown brickwork with red brick dressings, tiled roof with brown window fames. |
| CHARACTER OF LOCALITY | Residential comprising semi-detached properties of similar style and design. |

## RELEVANT SITE HISTORY

None

## 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
No Public Sewer

## DEVELOPMENT PLAN POLICIES

| | | |
|---|---|---|
| Arun District Local Plan: | DEV19 | Extensions to existing residential buildings |
| | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |

## PLANNING POLICY GUIDANCE

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|---|---|---|
| | 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 Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

## 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 single storey extension on the south side of the dwelling.

The dwelling is set back from the front of the site by approximately 9m and the proposed extension will be sited on the southern side of the dwelling to the neighbouring boundary of No 28. It will be set in line with the front of the dwelling and will extend the whole depth of the building. The 30 degree roof slope has been designed to match the pitch of the host dwelling with the installation of a window on the front elevation, side elevation and patio doors to the rear. The extension will be constructed in materials that match the host dwelling and the existing windows and doors which are currently brown are to be replaced with white PVCu windows and doors that will match the neighbouring properties.

The neighbouring property to the south No 28 has a garage that is sited on the northern side boundary with No 30 and the main dwelling is sited approximately 3m away. The proposed extension has a window on the south side but it will not be readily visible above the roof of the neighbouring garage. It is not considered that the extension would affect the occupiers of No 28 by way of loss of outlook or overlooking.

The site has parking to the front and this remains unchanged. The proposed extension is considered to be visually subservient and although readily visible to the front of the site would not appear out of character and appearance within the street scene or surrounding residential area.

It is therefore recommended that the application be approved, subject to conditions.

## 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 for 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 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: Location 1;1250, Block 1:500, Proposed Elevations 1:100, Street Scene received on 16th September 2013, Site 1:100 showing footings received on 1st November 2013.

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 roof of the extension 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 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.