

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** BR/244/12/**LOCATION:** 23 Devonshire Road
Bognor Regis**PROPOSAL:** Erection of rear conservatory, erection of new front & side fence & alterations**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks consent for the erection of a glazed conservatory and boundary fence to the front garden.
SITE AREA	Approximately 338 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None to front. 2 metre high timber panel fence to rear and side boundaries.
SITE CHARACTERISTICS	Detached two storey building sub-divided into 2no. flats, faced in white rough cast render with pitch, tiled roof.
CHARACTER OF LOCALITY	Predominantly residential comprising two storey detached dwellings and flats of various character and design.

RELEVANT SITE HISTORY

BR/421/89	Conversion to 3 flats	Refused 18-09-1989
BR/225/89	Change of use and extension to form 4 flats in total (Ground floor to be restricted to elderly occupation).	Refused 23-10-1989
BR/610/89	Change of Use from normal domestic dwelling into a Nursery School for 2-5 year olds	Refused 29-01-1990
BR/83/90/EUC	Established Use Certificate for use as two flats	Approve 19-03-1990

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection. But concern raised over the height of the fence intended (dimensions have not been supplied). The committee commented on the impact this fence may have on the streetscene.

2 letters of Objection:

- Fence is too high and on top of an existing brick wall;
- Trellis on top is ridiculous;
- High fencing is out of character; it will look like a prison yard and is out of character with surrounding houses what have lower fences;
- Lower fence would make more sense if privacy is required.

Comments on Representations received:

Comments noted. The impact of the fence within the streetscene is discussed below. It is not considered to be detrimental to the character of the area or the streetscene.

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 2003:	<u>DEV19</u>	Extensions to existing residential buildings
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	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 Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies 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

PRINCIPLE

The site is located within the built-up area boundary where the principle of new development is acceptable.

DESIGN AND VISUAL AMENITY

The application property is a ground floor flat with an enclosed garden to the rear.

The proposal seeks to erect a glazed, uPVC conservatory, height 2.9 metres to the pitch, 2.7 metres in depth and 3.5 metres in width. The conservatory will have glazed elevations above a brick plinth wall and a glazed, pitch roof. It is visually subordinate to the host property and is an acceptable design and scale.

Additional minor alterations are proposed to the rear elevation of the building: infilling of a doorway at first floor level and insertion of glazed, uPVC window. These are minor alterations that preserve the character of the building.

The rear garden is enclosed by high boundary fencing such that the proposed conservatory will have limited visual impact.

With regard to the proposed fence and trellis, this will be positioned above a low brick wall and will enclose the front garden of the property. The proposed close boarded timber panel fencing will measure 2 metres in height to the side (at maximum) and 1.5 metres (at maximum) on top of the front boundary wall, and incorporates a curved trellis. The fence line will be stepped down to a height of 350mm in the southwest corner of the plot abutting a driveway that serves the flats to allow sufficient visibility.

The front garden is open to the road and the fence will therefore have a visual impact within the streetscene. The character of the streetscene is of detached two storey dwellings and flats in a suburban street. Boundary treatments are a mixture of brick walls and pillars, rendered walls, fence panels above brick walls, trellis and hedging. Heights vary from 1-2 metres. There is a high timber trellis to the front brick boundary at no. 11 and a high brick wall, pillars and iron railings at no. 14. Within this context, the proposed timber panel fence and trellis is considered to be an appropriate design and height. The proposed fence is therefore not considered to be visually incongruous or detrimental to the established character of the area and streetscene.

RESIDENTIAL AMENITY

The proposed rear conservatory will be enclosed by high boundary fencing. It will have no adverse impact on the residential amenities of neighbouring properties through overlooking, or loss of privacy.

The construction of the conservatory will require the removal of a timber balcony that serves a first floor flat. Private amenity space is retained to the rear of the property for this flat.

SUMMARY

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

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 (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: drawing 12/22/6 boundary elevations, drawing 12/22/1 existing ground floor plan, drawing 12/22/3 existing elevations, drawing 12/22/6 proposed elevations, drawing 12/22/7 roof plans, received on 2 October 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 The materials and finishes of the external walls of the conservatory hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **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

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.