

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

REF NO: BR/263/17/HH

LOCATION: 3 Northcote Road
Bognor Regis

PROPOSAL: Single storey rear extension & side carport to include 2 No. additional roof lights (re-submission following BR/311/16/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Retention of full width dual pitched single storey rear extension, with lean-to car port to side. The application is to retain the development as built. This includes two additional roof lights, one to each side located in between the two approved roof lights of the rear extension.
SITE AREA	0.04 hectares
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fences to sides and rear boundary.
SITE CHARACTERISTICS	Detached bungalow with existing side roof extensions, car port to side and outbuilding to rear.
CHARACTER OF LOCALITY	Suburban residential.

RELEVANT SITE HISTORY

BR/65/12/	Loft conversion with dormer extensions and new carport to the side.	ApproveConditionally 04-05-2012
BR/311/16/HH	Rear single storey extension & carport to side	ApproveConditionally 16-01-2017

Loft conversion granted permission previously. This extension granted permission by BR/311/16/HH but only included 2 roof lights in each roof slope.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council
No objection.

One letter of public representation received objecting on the grounds that the three large windows emit a bright purple light and the side windows allow overlooking into the garden and windows of 10 Pevensey Road.

Comments on Representations received:

Comments noted.

The Council, using its powers in terms of planning cannot control what type of light is emitted from the roof lights as it does not have control of what lights are used in the extension. The amount and level of overlooking from the extension would be the same if not less than previously existing when the conservatory was in place. It is also noted that the height of the boundary fence can also be increased to 2m without the need for formal planning consent, if this remains an issues for the neighbours.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

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
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

Publication Version of the Local
Plan (October 2014):

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.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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; 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;

No Bognor Regis NDP policies are relevant to this development.

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 and Visual Amenity

The rear extension is residential in appearance and not overly large. The materials are to match the main house so are respectful of the character of the existing house, surrounding properties and street scene.

The car port is be very similar in design to the existing and its materials are residential in nature so are acceptable.

The development is acceptable in terms of impact on visual amenity in compliance with saved policies GEN7 and DEV19.

Impact on Neighbouring Residential Amenity

The development is not considered to have an adverse impact on neighbouring residential amenity. The extension is not considered to be excessive in height, nor would the side facing roof lights or side windows provide an opportunity for overlooking into neighbour gardens or windows over an above the previous level which was a fully glazed conservatory. The additional roof lights face skywards and are high level so provide no realistic prospect of overlooking to neighbouring gardens or windows.

As such the development it is not considered to be visually intrusive or overbearing, nor does it lead to a significant increase in overlooking of neighbouring gardens or windows.

The development passes the 45 degree light test to the neighbouring properties & would not be large enough to create overshadowing or loss of light to neighbouring garden areas or windows.

The car port has a similar impact to the car port it replaced.

The development are considered to have an acceptable impact on neighbouring residential amenity in compliance with saved policies GEN7 and DEV19.

The application is recommended for conditional permission.

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 approved shall be retained in accordance with the following approved plans:-

Site Plan (scale 1:500)
Proposed Ground Floor Plan Rev G
Proposed Elevations Rev D
Proposed Roof Plan Rev A

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.

- 2 The materials and finishes of the external walls and roofs of the rear extension hereby permitted shall match in colour and texture those of the existing dwelling. The carport shall be constructed of timber posts with polycarbonate roof.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 3 **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.

- 4 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.