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

REF NO: **BR/269/13/**

LOCATION: 81 Kyoto Court
Bognor Regis

PROPOSAL: Car port infill to form store with widening of existing vehicular access

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of existing attached garage into en-suite bedroom with new garage/store within the car port to the front of the new bedroom. 1.5m widening of the driveway. The entrance door will also be relocated from its present position to the front of the dwelling replacing an existing ground floor toilet window.
TOPOGRAPHY	Predominantly flat.
TREES	No trees of any significance.
BOUNDARY TREATMENT	Low hedge to front side boundary with 82.
SITE CHARACTERISTICS	Two storey dwelling which is not a semi or part of a terrace but nevertheless attached to its two neighbours by virtue of the single storey flat roofed garage. Red brick with white timber/UPVc cladding as detail. The existing garage has a car port to the front and the existing front door to the house is under the car port.
CHARACTER OF LOCALITY	Part of a residential estate which is accessed solely from Nyewood Lane to the east. There were no other obvious impacts of garage conversions/car port infill's in the streetscene.

RELEVANT SITE HISTORY

BR/10/98	Dining room extension	ApproveConditionally 20-02-1998

No comments.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:
None.

CONSULTATIONS

Consultations responses received:
None.
Comments on Consultation responses:
N/A.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary;
PD Restriction; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

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.

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.

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

Policy DEV19 requires that extensions be visually subservient, sympathetically relate to and visually integrate with the existing dwelling. Extensions must also avoid adverse impacts to neighbouring properties and must not compromise the established street pattern.

The proposed conversion work is entirely within the existing fabric of the building and whilst there is a change to the fenestration on the rear garage elevation, no new windows are proposed and indeed, the proposal is to provide 1 less window. The bedroom will open into the new garage/store to the south which will be fitted with a new garage door. As such, it is not considered that there are any privacy impacts.

The changes will affect the external appearance of the dwelling but it is not considered that there is any harm to the character of the area of streetscene arising from the changes. The proposal does result in the loss of 1 parking space but garaging space remains for motorbikes/cycles or a small car such as a Smartcar. There is also greater space within the driveway. The application proposes to use grass block paving on the driveway and this ensures permeability.

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 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: "Bock Plan"; "Proposed Floor Plan, Elevations, Location, Block and Vehicular Access Plan" (Sheet 1 of 2); and "Existing Floor Plan, Elevations, Roof & Proposed Roof Plans" (Sheet 2 of 2).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

3 The materials and finishes of the external walls car port infill 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.