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

REF NO: BR/275/17/HH

LOCATION: 44 Victoria Drive
Bognor Regis
PO21 2TE

PROPOSAL: Extension to existing store at rear to form annexe ancillary to main dwelling house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The garage would be extended to the north (side) and rear (east) with a replacement shallow gable end roof with entrances to north and east and windows to east, north and west sides. Two off-street parking spaces would be retained to front. Materials to match the main house are proposed.
SITE AREA	0.06 hectares (635m2)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fence to south and east, 1.8m wall with 1.8m inward opening wooden access gates to west (to Victoria Drive).
SITE CHARACTERISTICS	Detached two storey dwelling on corner property of junction with Victoria Drive (to west) and Devonshire Road (to north). The site includes a detached single storey garage to south and gardens to west and south east of site.
CHARACTER OF LOCALITY	Urban residential, formed of detached two storey dwellings with some residential flatted developments nearby. Off street parking is common in the area and properties are set back from the road and there is no recognisable uniformity in dwelling design.

RELEVANT SITE HISTORY

BR/4/11/	Renewal of unimplemented planning permission BR/399/07/ for a detached single dwelling	Refused 15-03-11 **Appeal: Dismissed 25-11-11**
BR/399/07/	Detached single dwelling	ApproveConditionally 11-02-08

BR/163/91	Demolish existing garage and rebuild with double garage with store room and playroom in roof	ApproveConditionally 22-07-91

Permission recently refused for a detached dwelling in the same location as this development, defended at appeal. Noted that the development refused was a for a larger building in single family use and was not to be used ancillary as a granny annexe to the main house.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

N/A.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:
Within the built up are boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

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 SP1 Design

SD SP1 Sustainable Development

SD SP2 Built -Up Area Boundary

T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG 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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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; Walberton; Yapton.

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).

No Bognor Regis NDP policies are relevant to the proposal.

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.

CONSIDERATION OF ALTERNATIVE SITES

FOR TEL's only
The applicants report received with this application explains that alternative sites have been considered. These include the following:
(List site address and reason discounted)

CONCLUSIONS

PRINCIPLE

The site is within a built up area boundary in a location considered to be sustainable development in line with paragraphs 7 and 14 of the NPPF. As such the development is considered to be acceptable in principle, in line with saved policy GEN2.

DESIGN AND VISUAL AMENITY

The building would be modest in height and scale with a shallow gable roof of residential appearance. As such the form and appearance of the building is considered to be in character with the street scene and its scale would be subservient to the host dwelling and neighbouring properties. Materials to match existing will be controlled by condition and overall the development is not considered to harm visual amenity of the street scene.

The development is considered to meet the requirements of saved policy GEN7 (ii) in terms of impact on visual amenity.

RESIDENTIAL AMENITY

The neighbouring property to receive a direct impact from the development would be 42 Victoria Drive. The building would have no windows in the ground floor elevation facing number 42 and would be single storey, as to not result in significant overbearing impact or overshadowing. Furthermore, none of the facing windows of 42 are the sole source of light to a habitable room. Overall, the additional impact of the extensions to the garage would not impact the residential amenities of number 42 to a harmful extent over and above the existing garage.

The use of the garage as a granny annexe is not considered to generate noise pollution from its use to a an unacceptable level which could detrimentally impact of the residential amenities of number 42 Victoria Drive or other neighbouring properties.

The development is considered to have no significantly detrimental impact on neighbouring residential amenity in compliance with saved policy GEN7 (iv) and (v).

PARKING

The site is not considered to be located on roads which are under significant pressure with regards to on-street parking. The development would retain two off-street parking spaces, and space is available of the

site for more which could be constructed under permitted development. The site is in an area on the outside of a town centre with easy pedestrian access to local amenities and public transport. As such the development complies with emerging policy TSP1.

The application is recommended for conditional approval.

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 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:-

01
03

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, window and roofs of the annexe hereby permitted shall be similar in colour and texture those of the host dwelling of 44 Victoria Drive,

Bognor Regis, West Sussex.

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

4 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 44 Victoria Drive, Bognor Regis, West Sussex as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

5 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.