

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

REF NO: BR/286/20/HH

LOCATION: 17 Shelley Road
Bognor Regis
PO21 2SL

PROPOSAL: Removal of existing garage and erection of single storey side and rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Single storey extension to east side of the dwelling projecting beyond the rear of the building. The accommodation appears in the form of an annex with bedroom, bathroom and kitchen.

REPRESENTATIONS

Bognor Regis Town Council: Object - overbearing and overshadowing of the neighbouring property.

One objection based on the proposal having substantial size, scale and positioning on the boundary leading to:

- Visual intrusion on the amenity space of the neighbouring private amenity space.
- An overbearing impact on the neighbouring private garden and loss of daylight.
- Increased sense of overlooking, loss of privacy and light on the private garden and patio area as well as the windows on the western elevation.
- Dispute land ownership certificate - concern re overhang of gutters/location of foundations.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
2km Buffer for Site of Special Scientific Interest
Pagham Harbour Zone B
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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CONCLUSIONS

PRINCIPLE

The key policies considered are DDM1 and DDM4 of the Arun Local Plan. There are no policies of relevance in the Bognor Regis Neighbourhood Plan to this application.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and locality.

Policy DSP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

SITE HISTORY

Relevant site history noted.

DESIGN AND VISUAL AMENITY

The development to the side and rear is single storey with a flat roof and does not add significant bulk to the property and is a subservient addition. It appears sympathetic in appearance with materials matching the host dwelling. The scale of the dwelling does not increase dramatically with the garage being removed to make way for the extension.

Houses in the locality have been subject to some alterations, mainly single storey extensions, garages and outbuildings, this is evident throughout the street. There is no set character to the development in the locality with bungalows and varying designs of dwellings throughout Shelley Road.

The proposal is modest in size and appears subservient to the dwelling, set slightly back from the principle elevation. It will have flat roof with a maximum height of 3.1m with the majority of the height at 2.85m. The most notable visible change from the street scene being the garage conversion, something which can be achieved under the permitted development rights.

The development is not considered to adversely impact upon the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal removes the garage and replaces it with an extension running along the east boundary. The roof will be changed to a flat roof from a lean-to. The garage eaves height is 2.3m this means there will be an increase of 0.55m on the boundary with the structure running along the majority of the side and projecting from the rear.

There will be a window and a door to the front elevation, as these are at ground floor it is not considered views are additional to that which can already be achieved from the public realm or the existing garage and does not provide adverse overlooking. A door and window to the rear overlooks the garden of the host dwelling with no views of the neighbouring property available.

The development is not considered to give rise to significantly adverse impacts on neighbouring occupiers despite the small gap and height of the extension. This includes an assessment of the 45 degree rule on the rear window of the property to the east . It is appreciated the extension protrudes to the rear and there will be some impact on the amenity from the neighbouring windows due to the height/position of the rear projection but the proposal only protrudes just past the existing rear elevation of the neighbouring property (15 Shelley Road) at a relatively low height.

The additional height and length of the extension would have some impact on the windows to the property to the east due to the introduction of additional built form. However the impact created by the proximity of the wall on residential amenity is not such that refusal is justified.

The proposal as a result of the siting and design the development is not considered to result in significant overlooking, overshadowing or overbearing impacts upon neighbouring amenity.

PARKING

Whilst the proposal will remove 1 garage space. There is sufficient space to the front for the parking for 1 further car and the highway has sufficient space for any other cars to be parked.

ANNEX ACCOMMODATION

The extension shows the internal accommodation to be in the form of an annex containing a bedroom, bathroom and kitchen. Annex accommodation is an acceptable form of development in the built up area and should not create any greater impact on amenity than any other form of extension. A condition is imposed to restrict the use of the extension.

PERMITTED DEVELOPMENT

The General Permitted Development Order (2015) (as amended) Schedule 2 Part 1 Class A (j) it is possible, without an application for planning permission, to extend at single storey level up to 4m in height beyond a wall forming a side elevation so long as the extension is not more than half the width of the dwelling. Whilst this would not allow for the rear projection element an out building in this position could be erected under Schedule 2 Part 1 Class E with an height of 2.5m.

The use of permitted development as described above would have a similar impact on the amenity of the property to the east and therefore it is necessary to consider the potential "fall back" position.

OWNERSHIP CERTIFICATE

A letter of objection challenges the validity of the ownership certificate submitted with the application raising concerns about parts of the development (gutters/foundations) extending in to the neighbouring property. The applicant's agent has been asked to confirm ownership details.

SUMMARY

The proposed development is deemed to accord with relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

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 Plan, Block Plan and Proposed Floor Plan Sheet 1 of 3
 - Proposed Elevations Sheet 2 of 3
 - Existing Floor Plans and Elevations and Proposed Roof Plan Sheet 3 of 3

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 17 Shelley Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun 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.

- 4 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.