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

**REF NO:** **BR/306/12/**

**LOCATION:** 2 Elmwood Avenue
Bognor Regis

**PROPOSAL:** Rear dining room extension to replace existing conservatory

## SITE AND SURROUNDINGS

| | |
|---|---|
| DESCRIPTION OF APPLICATION | Application is for demolition of an existing conservatory at the rear of the dwelling. Alterations to existing rear and side extensions to create a rear extension 9m wide x 3.2m deep x 3m high (eaves) and 3.7m high (ridge) and alteration to existing side extension 6.4m deep x 2.3m wide x 3m high (eaves) and 3.7m high (ridge). Removal of pebble dash and replacement with render to match existing and tiles to match existing. |
| SITE AREA | Approx 285sqm |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A |
| TOPOGROPHY | Predominantly flat |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | 2m timber and lattice fences surrounding rear garden. |
| SITE CHARACTERISTICS | Application site contains a two storey detached dwelling with rear and side extensions and timber outbuilding. |
| CHARACTER OF LOCALITY | Surrounding the site are two storey detached dwellings, generally with rear extensions. |

## RELEVANT SITE HISTORY

| | | |
|---|---|---|
| BR/305/12/BR | Rear dining room extension to replace extg conservatory | Passed Condit'n<br>01-02-2013 |
| BR/775/82/B | Single storey extension | Passed<br>18-11-1982 |

## REPRESENTATIONS

**Representations received:**

Bognor Regis Town Council

- No objection.

**Comments on Representations received:**

N/A

## CONSULTATIONS

**Consultations responses received:**

None

**Comments on Consultation responses:**

N/A

## POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

### 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 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
Application site is located within the built up area boundary and principle is acceptable.

GEN7 FORM OF NEW DEVELOPMENT
The proposal makes efficient use of the land and responds to the constraints of the site. No adverse impact to adjoining properties will occur.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS
The proposed extension sympathetically relates to and is visually integrated with the existing building, being smaller in scale and of the same materials. The extension is visually subservient to the main building as it is located generally to the rear and side extension is set back 11m from front boundary and behind an existing garage.

No adverse overshadowing will occur to adjoining properties, extension is no deeper than existing and only marginally higher. No overlooking or overbearing effect will occur as the proposed extension is only single storey and setbacks from side boundaries will not be reduced.

The proposed extension does not compromise the established spatial character and pattern of the street. Rear extensions are characteristic of surrounding properties.

SUMMARY
The proposal is considered acceptable and is recommended for approval subject to conditions.

## 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 for 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

In assessing this proposal a neutral impact has 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: 4825/1, 4825/2, 4825/3, 4825/4, 4825/5, 4825/6 and 4825/7 all dated November 2012.

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 and roof of the 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: 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, DEV19

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

5 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.