

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

REF NO: BR/315/13/

LOCATION: 14 Crescenta Walk
Bognor Regis

PROPOSAL: Demolish existing garage and replace with carport, construct new detached garage, conservatory and 1st floor side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The new garage is to be set back into the rear garden and located adjacent to the boundary. The conservatory will then be sited centrally on the rear elevation. The first floor extension is above an existing single storey part of the house on the northern side. It will not be higher than the existing main roof ridge. The car port will be 2.8m high and the garage, 3.5m to the pitch and 2.2m to the eaves.

The applicant has indicated that part of the reason for the extensions is to resolve issues with the current garage extension (Ref BR/13/05/) which prevents access to the rear garden other than through the house and does not benefit from building regulations approval.

TOPOGRAPHY

The site is flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.7-1.8m high close boarded fence to both 16 and 12.

SITE CHARACTERISTICS

Large semi-detached part one/part two storey dwelling with fairly equal sized front and rear gardens. The existing dwelling is built right across the plot and as such there is no access to the rear garden other than through the main house. The dwelling is located on the same building line as 12 but that for 16 & 18 angles away. The house is rendered white with tiles to the roof. There is 1 parking space in front of the existing garage and on-street parking is readily available.

CHARACTER OF LOCALITY

Predominantly residential comprising relatively large plots with two storey detached and semi-detached dwellings of different designs and styles.

The neighbour, no. 16 has ground floor windows on the side and rear of their garage (which itself is adjacent to the shared boundary). The side window looks out onto 14's rear garden but as the window only serves a garage, there is no current overlooking. No. 16 does not have any first floor side windows looking out onto 14.

RELEVANT SITE HISTORY

BR/415/87	Renewal of temporary planning permission BR/263/86 - Change of use - ground floor to accommodate nursery group of 8 children aged 3 - 5 years	ApproveConditionally 21-09-1987
BR/13/05/	Demolition of substandard garage and garden room and replacement with extension to kitchen, garage and study.	ApproveConditionally 24-02-2005
BR/263/86	Change of use ground floor to accommodate nursery group of 8 children aged 3-5 years	ApproveConditionally 01-09-1986

Planning Ref BR/13/05 concerns the existing side extension. The presence of this existing side extension is a material consideration in the determination of this application with particular reference to the proposed car port.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designations applicable to site: Within built up area boundary & Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7
DEV19

The Form of New Development
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 reflect the existing streetscene.

At first sight, the proposed extensions seem to be extensive but breaking them down into smaller parts, it is clear that they are all subservient to the existing house and that only the proposed first floor side extension will have any material impact on the streetscene. The car port will replace the existing ground floor side extension and will allow views through it to the rear garden and the position of the new garage. The new garage itself is sited adjacent to the boundary but will only result in a loss of light to the rear window of 16's garage and this does not contain any habitable accommodation. The conservatory's position in the centre of the rear elevation results in it having no impact on 45 degree lines drawn from either of the two neighbouring properties.

Whilst the first floor side extension will materially alter the appearance of the house in the streetscene, it has been designed to be subservient in height to the house. Furthermore, no first floor flank windows are proposed and therefore it does not impact on the neighbouring property.

It is recommended that permission be granted subject to the following 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 private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

report

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: "Existing GF Plan" Ref PG NO:01; "Proposed GF Plan" PG NO:02; "Existing FF Plan" Ref PG NO:03; "Proposed FF Plan" Ref PG NO:04; "Existing Elevations" Ref PG NO:05; "Proposed Elevations" Ref PG NO:06; "Proposed Elevations 2" Ref PG NO:07; and "Location Plan" Ref PG NO:08.

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

- 3 With the exception of the proposed use of timber weatherboard cladding to the detached garage and glazing to the roof of the conservatory, the materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture with 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northern flank wall of the first floor extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 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.