

Recommendation Report for Planning Permission

REF NO: BR/46/17/PL

LOCATION: 14A Canada Grove
Bognor Regis

PROPOSAL: Retention of single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The extension measures 2.31m by 3.58m. It has an eaves height of 2.2m rising to 3.2m where the monopitch roof meets the existing rear elevation. The extension is constructed from matching bricks and matching black slate.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

- * 1.6m high wall to no. 12;
- * 1.8m high wall to rear; and
- * 1.7m high wall to no. 16.

SITE CHARACTERISTICS

Semi-detached two storey dwelling split horizontally into two flats. 14A is accessed via a gate down the side of the dwelling. Red/brown bricks with black slates to the roof. Existing block work outbuilding within the rear garden (the subject of application BR/47/17/CLE).

CHARACTER OF LOCALITY

This is a predominantly residential street located immediately adjacent to the Bognor Regis Town Centre with a cinema and the main railway station at the northern end of the Grove and a mix of commercial and residential properties at the southern end. Dwellings on the eastern side of Canada Grove are predominantly two storey & semi-detached. No. 16 Canada Grove has an existing single storey rear extension set in from the shared boundary with high level obscure glazed windows facing 14A and a small bedroom window on the original ground floor rear facing elevation. To the rear, there is a private car park for the Seymore Place two storey flatted buildings.

RELEVANT SITE HISTORY

BR/294/04/	Conversion and ground floor extension to form 4 no. one bedroom flats	ApproveConditionally 29-09-2004
BR/47/17/CLE	Lawful development certificate for an existing outbuilding in the curtilage of a residential flat.	Approve 01-06-2017
BR/135/61	Extension residential accommodation to self contained flat	Approve 06-10-1961
BR/17/69	Conversion of ground floor dental surgery to self contained flat	Approve 25-03-1969

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

"No objection"

One letter of objection from Flat 2, 16 Canada Grove stating that:

"I live in the neighbouring property and having seen the effects that the work to date has had on my property i am concerned that once it is completed and the roof goes up the 2.3m projection and the height of the eaves on the proposed pitched roof will severely impede upon the light entering my property. At the rear of my property are my only bedroom window and a window to my lounge and the effect that the extension is already having on the daylight entering those habitable rooms is a material consideration i would ask the Planning Authority to take into consideration in reaching their decision.

I believe my right to light is already being impeded and that the situation will only get worse. I am not prepared to waive my rights so feel I have no choice but to object to this application."

Comments on Representations received:

The bedroom window is on the original rear wall and would, prior to the conversion of no. 16 into 4 flats (BR/294/04), have served a reception room. The lounge window is a high level, obscure glazed window and is secondary to the existing windows on the rear of 16's single storey lounge extension which was approved as part of BR/294/04. However, the window in question is not shown on the plans approved by BR/294/04.

CONSULTATIONS**Consultations responses received:**

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

There are no relevant Bognor Regis Neighbourhood Plan policies.

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

The site is located within the built up area boundary where the principle of extending a property is

acceptable subject to normal development control criteria such as visual and residential amenity.

Ordinarily, a single storey extension to the rear of a semi-detached house would be covered by permitted development rights. However, flats do not benefit from permitted development and therefore, planning permission would be required.

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design & layout and do not have an unacceptable adverse impact on adjoining occupiers. Furthermore, Policy DEV19 requires that extensions be visually subservient to the existing building, reflect the existing streetscene and be visually integrated with & sympathetically relate to the existing dwelling. Policy DEV19 also requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The extension is to the rear and will not therefore be visible in the streetscene or affect the front appearance of the dwelling. The extension at single storey will clearly be subservient to the dwelling. Furthermore, materials will match the existing colour of the walls. No concerns are raised as to the design.

Although opposite and to the south of the existing high level window in the neighbouring flat's lounge extension, this window is considered to be obscure glazed and is secondary to the main windows on the rear of the lounge extension. As such, it is not considered that the proposed extension will adversely affect the amenity of this window.

There will be an impact to the existing ground floor bedroom window on the rear of no. 16. The extension clearly impinges on a 45 degree angle drawn from the centre of this window and given the location of the extension to the south of this window, there will be a loss of light. However, the impact is to a bedroom window, which whilst habitable is primarily used for sleeping and dressing.

The occupier of the flat has a separate lounge with rear facing windows thus preserving an acceptable standard of living and amenity.

Furthermore, the proposed extension is only 2.3m deep and is set in slightly from the boundary - both of these factors reduce the impact slightly. It should also be noted that the owners of 14/14A could increase the height of the boundary wall to 2m without the need for planning permission and this would block out the same amount of light reaching the neighbours bedroom window. This is an important material consideration.

It is not considered that the extension will have a harmful adverse effect on the amenities of the neighbouring flat and it is therefore 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) 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 approved shall be carried out in accordance with the following approved plans:

Location & Block Plan ref 16171/01a; and
Proposed Floor Plan, Elevations & Roof Plan ref 16171/02R1.

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

- 2 **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.