

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

REF NO: BR/48/15/HH

LOCATION: 84 Linden Road
Bognor Regis

PROPOSAL: Two storey rear extension with alterations to entrance porch & enlargement of the ground floor cloakroom (resubmission following BR/224/14/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed two storey rear extension measures approximately 6.080m in width, depth of 3.825m and a maximum height of 8.1m.

The proposed ground floor wc extension measures approximately 0.9m in width, depth of 2m with a maximum height of 2.85m.

The proposed entrance porch measures approximately 2.2m in width, depth of 0.6m and a height of 2.4m.

SITE AREA

Approximately

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Front has wall with brick piers approximately 1m-1.2m in height, west side boundary has close boarded fencing with trellis on top approximately 1.8m in height, east side boundary has close boarded fencing supplemented by hedging and tree screening.

SITE CHARACTERISTICS

Two storey with conservatory on rear (to be removed). The property has red brickwork on the lower level, painted render on the upper level, red tiled canopy over front bay window and entrance, red tiled roof and white window frames.

CHARACTER OF LOCALITY

Residential road comprising detached and semi-detached properties of various styles and designs.

RELEVANT SITE HISTORY

BR/224/14/HH	Double storey rear extension and minor alterations to front elevation.	Withdrawn 07-10-2014
BR/859/73	Double garage within site area	Approve 04-12-1973

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

No development or new tree planting should be located within 3 metres either side of the centreline of the foul rising main.

No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer and surface water sewer.

No new soakaways should be located within 5 metres of a public sewer.

All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Southern Water requires a formal application for a new connection to the foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative is placed on any consent

Comments on Consultation responses:

Southern Water comments noted

If approved, an informative will be placed on any consent regarding connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
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

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Angmering, Arundel; Barnham & Eastergate; Bersted, East Preston, Felpham, Ferring, Kingston, Littlehampton,

Rustington and Yapton.

The Bognor Regis Neighbourhood Plan has recently been out to consultation and will now be reviewed prior to submission to Arun District Council.

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 application seeks to construct a two storey rear extension, wc extension on the eastern side and extend the existing entrance.

The detached property has a front bay window and the entrance door is set back under a tiled canopy. The proposal seeks to extend the entrance by enclosing the open sides to bring it in line with the front bay window. It is considered that the entrance porch is visually subservient to the host dwelling.

On the eastern side of the dwelling there is a store and this is sited adjacent to the kitchen. The proposed extension to create an extended wc will be sited in front of this store and the tiled roof of the store will be extended to link the two structures.

The existing conservatory is to be removed and the proposed rear two storey extension which will follow the existing roof line will be the whole width of the host dwelling with a rear projection of 3.825m. On the eastern side of the property there are two windows, the smaller window serves a wc and the other a stairwell. Due to the re-arrangement of the first floor accommodation the smaller window is to be enlarged and this will serve a bedroom and will be obscure glazed. On the west side elevation of the host dwelling at first floor level a new window is proposed and this will serve a bedroom.

With regard to residential amenity the neighbouring property to the east No 82 is a two storey dwelling and is sited approximately 4m away. The proposed rear extension will be set in from the boundary by approximately 2m. The Council as a consideration in determining planning applications have adopted a 45 degree rule which is a tool used to balance the interests of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not

seriously affect a neighbour's outlook or daylight. In the case of a two storey extension the quarter point of the nearest ground floor window is used and in this instance complies with this rule. There are no windows on the side elevation of No 82 and the wc extension has a window to the front. It is not considered that both extensions would give rise to a loss of outlook or daylight.

The property to the west No 86 has a window on the side elevation at first floor level. The proposed extension will be sited approximately 5.5m away. There are no windows on the side elevation of the extension but a window is proposed at first floor level on the existing dwelling which will serve a bedroom. With adequate distance to this property and the position of the window it is not considered that the extension and new window would create a loss of outlook or unacceptable overlooking to recommend refusal.

The extension being to the rear will not be visible within the street frontage. Whilst it is noted that the wc extension may be visible to the front it is of a minimal size and height that is not obtrusive, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended to approve the application, 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

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 received on 22nd April 2015.

Location 1:1250, Block 1:500, Site 1:200, Existing/Proposed Floor 1:100, Existing/Proposed Elevations 1:100, Existing/Proposed Roof 1:100 Drg No 010215/SL-010 Rev B.

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 and roof of the extensions 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 The new window on the north west elevation shall at all times be glazed with obscured glass.

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

- 5 The wc window on the front south west elevation of the extension shall at all times be glazed with obscured glass.

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

- 6 **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.