

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** BR/66/13/**LOCATION:** 144 Aldwick Road
Bognor Regis**PROPOSAL:** Single storey rear extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed single storey rear extension measures approximately 4.7m in width, maximum depth of 3.9m with a maximum height of 3.8m.
SITE AREA	Approximately 329 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has dwarf brick wall, side boundaries wall approximately 1.5m-1.8m in height.
SITE CHARACTERISTICS	Semi-detached three storey property with inscription in brickwork 1898. The property has red brickwork/red tile hanging above bay window, white window frames with a slate roof. Wooden shed and greenhouse in rear garden.
CHARACTER OF LOCALITY	Main road with residential comprising detached properties, semi-detached properties and apartments of various styles and designs.

RELEVANT SITE HISTORY

BR/354/10/	Change of use from 4 no. flats to 1 no. single dwelling	Approve Conditionally 04-02-2011
PAA/136/12/	Pre-Application advice for single storey rear and side extensions	Refuse Pre App 19-12-2012
BR/67/13/CLP	Application for a Certificate of Lawfulness for a Proposed use or development - single storey side extension.	PP Not Required 23-04-2013

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [DEV19](#)
[GEN2](#)
[GEN7](#)

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

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 which was adopted in 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.

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

The application seeks to construct a single storey extension on the rear of the dwelling adjacent to the dining room to create an extended kitchen/family room.

The property has a large rear garden and the proposed extension will replace a bay window and store and will be sited approximately 1m from the eastern side boundary. It will measure approximately of 4.7m in width, depth of 3.9m and a maximum height of 3.8m. The extension will have a window on the rear and to provide for additional light into the kitchen area two rooflights will be installed, one on each side of the roof.

With regard to residential amenity the neighbouring property to the west No 146 which is divided into flats is approximately 3m away. The property to the east No 142 which is also divided into flats has a bay window on the rear. The Council have adopted a 45% degree rule as a consideration in determining planning applications and this line has been taken from the middle point of the bay window and complies with this rule.

The existing rear elevation has bay window features and whilst the extension has been designed with a hipped roof it is not considered to be of a design that enhances the host dwelling. Although the extension has a height and width that would comply under "Permitted Development" the maximum depth of 3.9m is 0.9m deeper. In view of this depth the submission of a formal planning application is required. Due to its single storey height and the absence of windows on the side elevations it is not considered that the extension would be of an overbearing nature, nor would it create loss of outlook to the occupiers of No 142 and 146 to warrant a refusal.

Due to its rear location the extension will not be visible in the street scene, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended that the application be approved, subject to the following conditions.

HUMAN RIGHTS ACT

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: Location 1:1250/Block 1:500/Existing & Proposed Floor 1:100, Side & Rear Elevations 1:100 Drg No 1262/P01 Rev K, Cross Section 1:100 Drg No 1262/P02 received on 11th March 2013.

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 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 No windows (other than those shown on the plans hereby approved) shall be constructed in the east and west side elevations of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 5 **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: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

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

- 6 **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.