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

REF NO: **BR/70/13/**

LOCATION: 178 Hawthorn Road
Bognor Regis

PROPOSAL: Erection of new detached garage in rear garden

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for an L-shaped garage 6m x 6m with pitched roof maximum height of 4.1m. Located in rear corner of site adjacent to neighbouring garage. Brick, tile, steel door and UPVC doors and windows to match neighbours garage.
SITE AREA	Approx 585sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.5m brick fence
SITE CHARACTERISTICS	Two storey detached dwelling. Site has been subdivided with dwelling built to the rear.
CHARACTER OF LOCALITY	Two storey detached and semi-detached dwellings.

RELEVANT SITE HISTORY

Nil

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

- No objection.

One letter of objection received
- Overbearing.
- The previous development resulted in our outlook being a sea of roofs.
- Concern regarding the size and potential for other uses such as the previous business in the adjacent garage or as a dwelling.
- Height should be reduced.
- Restrictions on change of use or alterations.

Comments on Representations received:

- Proposed garage is set in 1.5m from boundary with No. 176 Hawthorn 12m away from kitchen window in that property.
- Proposed roof is 2.4m high at eaves and 4.1m at ridge and is not of excessive height to have a materially adverse impact on outlook.
- Floor space proposed is 29.4sqm and inadequate for use as a dwelling, proposed garage also lacks necessary facilities.
- Garages can be converted to habitable rooms without permission and given the distance from neighbouring properties, no restriction on this is considered necessary.

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
	GEN12	Parking in 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, 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 site is located within the built area boundary where the principle of development is acceptable. The proposal is of a high standard of design, responds to the characteristics of the site and will not result in an adverse amenity impact to any neighbouring property. Proposed garage is located on existing car parking hard standing and will not create any additional car parking. The proposal is considered acceptable 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: 1070-001 dated 26/02/2013 and 1070-002 Revision A dated 04/03/2013.

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 garage hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy GEN7 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, GEN12

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.

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.