

Recommendation Report for Prior Notification for Householder Extension

REF NO: BR/74/26/PDH

LOCATION: 33 Longford Road
Bognor Regis
PO21 1AB

PROPOSAL: Notification under extended permitted development rights for single storey flat roof rear extension, measuring 6 metres from existing dwellinghouse, with a height of 3 metres and an eaves height of 3 metres.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks a single storey flat roof rear extension, measuring 6 metres from existing dwellinghouse, with a height of 3 metres and an eaves height of 3 metres. Extended PD rights allows for the householders to extend their property under permitted development without applying for planning permission and notification of this has been subject to neighbour notification.

REPRESENTATIONS

1 letter of objection has been received raising the following concerns:

- Maintenance of fencing & maintenance of extension.
- Loss of light to the kitchen window.
- Alterations to party wall causing instability.
- Additional stress of pipework and drainage.
- Loss of light to the rear garden.
- Lack of elevations.
- Out of keeping with locality.

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to drainage and structural stability cannot be assessed under this permitted development application; they would be matters assessed by building regulations.

Issues arising with party walls and maintenance are civil matters and cannot be assessed by this application.

There is no requirement to provide elevations to support this type of application. The applicant has confirmed that the materials used to construct the extension would match those used on the host dwelling, as required by Schedule 2, Part 1, Class A.

Matters relating to neighbouring amenity have been considered below in the conclusions section.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

The proposed extension is considered to fall under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal is for a larger home extension, under A.1 (g). The proposal is therefore subject to the conditions under A.4.

A representation has been received from a neighbouring owner/occupier and therefore the prior approval of the Local Planning Authority (LPA) is required as set out in conditions A.4 (7). The LPA is required to consider the representation, and the impact of the proposal on the amenity of all neighbouring properties.

NEIGHBOURING AMENITY

The site includes a terraced dwelling. The extension would have a width of 4.8m, set in by approximately 1m from the southern side boundary and abutting the northern boundary with 35 Longford Road. At a depth of 6m, the proposal would result in built form, approximately 1.2m higher than the boundary fence, running along the majority of the boundary between 33 Longford Road and 35 Longford Road.

Fenestration within the rear elevation of the neighbour to the north, 35 Longford Road, comprises a window and door which are sited adjacent to the boundary with the application site. The extension would result in undue overbearing and overshadowing impacts on both the rear garden and ground floor fenestration of this neighbour, given the siting of this neighbour to the north, the proximity of the extension to the northern side boundary and the depth of the extension, resulting in harm to residential amenity in contradiction to Arun Local Plan policies D DM1 and D DM4.

The Arun Design Guide (ADG) references the 45 and 60 degree rules for rear extensions, which protects against undue harm by way of overshadowing. The extension would intrude approximately 4.5m beyond the 60 degree line of site from the ground floor window at 35 Longford Road. Given the extent of this breach, and the aforementioned unfavourable siting of the extension to the south of 35 Longford Road, this is further indicative of undue overbearing and overshadowing impacts.

SUMMARY

The proposed development conflicts with Arun Local Plan policies D DM1 and D DM4 with reference to neighbouring residential amenity and as such is recommended for refusal for the following reason.

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

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

OBJECTION

- 1 The proposed rear extension would, by virtue of its depth and siting, result in an unacceptable loss of light and overshadowing to the adjoining residential property to the north and would have an overbearing impact on the property to the detriment of the amenities of its occupiers. It is therefore contrary to Arun Local Plan policies D DM1 and D DM4.

The refused plan numbers are:

- Block Plan.