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

REF NO: **EG/13/14/HH**

LOCATION: 9 Murrell Gardens
Barnham

PROPOSAL: Conversion of existing roof space to main house into habitable accommodation and new first floor play room over existing garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 430 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to the front of the site, close board timber fencing to the side and rear boundaries.
SITE CHARACTERISTICS	Detached 2 storey dwelling, rendered elevations with red brick window headers and sills and brick plinth detailing. Half hipped tiled roof. Detached double garage with red brick elevations and tiled roof.
CHARACTER OF LOCALITY	Residential cul-de-sac, consisting of recently constructed detached and semi-detached dwellings. Open land with commercial uses beyond to the west and residential properties to the east.

RELEVANT SITE HISTORY

EG/4/10/	Redevelopment of land to provide for the erection of 13 new dwellings to include 4 x 2 bedroom semi-detached houses, 4 x 3 bedroom semi-detached houses, 4 x 4 bedroom detached houses and 1 x 5 bedroom detached house together with associated access, car parking and landscaping.	Refused 06-05-2010 *Appealed* **Appeal: Allowed+Conditions**

REPRESENTATIONS

Representations received:
Awaited
Comments on Representations received:
None

CONSULTATIONS

Southern Water Planning
Consultations responses received:
Southern Water:
Informative requested regarding connection to the public sewerage system and advice on protecting the existing sewerage system from inundation.
Comments on Consultation responses:
None

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		

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.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been

agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 permission retrospectively for the conversion of the roof space of the dwelling to habitable accommodation and additions to the existing detached double garage to provide a play room above the garage.

The external works to the dwelling consist of the provision of roof lights within the western facing roof slope of the dwelling. The works to the garage consist of a change in the height of the roof and its design.

The proposed conversion of the loft space is considered to be acceptable, there will be no increase in overlooking from that of the existing 1st floor windows, nor would there be an increase in the scale of the building, therefore the alterations are acceptable visually and from a residential amenity point of view. It should be noted that the loft conversion could be carried out without the

need for planning permission under permitted development allowances for residential dwellings.

The proposed alterations to the garage are also considered to be acceptable, the garage retains the same footprint with the existing eaves height maintained. It is also sited adjacent to the flank elevation of the neighbouring property, therefore the increase in height and introduction of roof lights would not result in any unacceptable harm to the amenity of the neighbouring dwelling, 8 Murrell Gardens.

In the absence of harm to visual or residential amenity, it is recommended that the application be approved subject to the condition and informative set out below.

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 and private 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 approved shall be carried out in accordance with the following approved plans:

Drawing No: 10; 11 Rev. A; 12; 13; 14; 15 Rev. A; 16; 17; 18.

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

2 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.

3 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or wwww.southernwater.co.uk.