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

REF NO: **EG/22/14/HH**

LOCATION: Heberbury
Church Lane
Eastergate

PROPOSAL: 2 no dormer windows to east and west elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed dormers each measure approximately 2m in width, depth of 2m with a height of 1.7m. One to be positioned on the east side to the rear, the other on the west side to the front.
SITE AREA	Approximately 0.10 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Slightly uphill from road.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has raised bank with shrubs, west side boundary has hedging approximately 2m in height, east side boundary has hedging approximately 1.8m in height.
SITE CHARACTERISTICS	Chalet two storey property with reddish/brown brickwork, brown tiled roof with brown window frames.
CHARACTER OF LOCALITY	Residential comprising a mixture of single storey and two storey detached properties of various styles and designs.

RELEVANT SITE HISTORY

EG/11/08/	Single storey extension to create granny annexe	ApproveConditionally 17-04-2008
EG/65/86	Extension to living room and kitchen and new bedroom of existing house new detached garage	ApproveConditionally 18-08-1986

REPRESENTATIONS

Representations received:

Eastergate Parish Council
Awaited

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
No Public Sewer
PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		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 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 to construct a dormer window on the east and west side.

The property is sited approximately 13m from the front boundary. The roof space has previously been converted into bedroom accommodation and there is a roof light on the east and west side. To provide additional headroom and light the proposed dormers will be sited on the east and west side. The dormers each measure approximately 2m in width, depth of 2m with a height of 1.7m. The dormers are of an acceptable size and height that are visually subservient to the host dwelling.

The dormer on the eastern side which is sited to the rear will overlook the side flank wall of the neighbouring bungalow Summerlea. This property has two ancillary windows on the west side elevation which serve a bedroom and living room. Due to the position of the dormer it is not considered that this window would create any unacceptable overlooking. Due to the position of the dormer on the western side this has the potential for overlooking onto the front garden of Laburnhams, however, it is not considered that this is of an unacceptable level to recommend refusal.

It is considered that the dormers would not be out of character and appearance within the street scene, nor would they have an adverse impact on the residential amenities of the occupiers of the neighbouring properties.

The application is recommended for approval, 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: Site/Floor/Elevations/Roof Drg No HCR/01, Block Drg No HCR/02 received on 12th May 2014.

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 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.