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

REF NO: **EG/24/13/**

LOCATION: 11 Oriel Close
Barnham

PROPOSAL: Single storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey rear extension has a maximum width of 11.2m, maximum depth of 4m width with a maximum height of 4.5m. The lantern rooflight on the flat roof element measures approximately 2m in width, depth of 2m with a height of 0.6m.
SITE AREA	Approximately 680 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is partially open with gravel driveway, rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached bungalow with single storey extensions on the rear. The property has reddish/brown brickwork with a tiled roof and whote window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising detached bungalows and chalet style properties of various styles and designs.

RELEVANT SITE HISTORY

EG/20/60	Single storey dwelling	Approve 21-09-1960
EG/70/69	Addition	Permit'd Devel

REPRESENTATIONS

Representations received:

Eastergate Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water
A formal application is required for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval an informative is attached to the consent.

Comments on Consultation responses:

Comments noted
If approved, an informative will be attached to any consent.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	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 rear extension to comprise a dining room with kitchen and conversion of the existing garage to residential.

The property has previously been extended with two flat roof extensions which are of differing heights and footprint and the proposal is to square off these extensions to form a continuous line. The flat roof extension on the western side is to be removed and the proposed extension will have a rear projection of 2.7m with a pitched roof of 4.5m which will be no higher than the existing roof line. The extension on the eastern side is located to the rear of the existing garage which is to be converted into habitable accommodation. This element of the extension has a flat roof and will be approximately 6.2m in width, depth of 4m with a height of 2.8m and with the addition of a lantern roof light the height will be increased to 3.4m.

With regard to residential amenity the neighbouring property to the east No 10 has previously been extended with a rear extension effectively squaring off the rear of the building and is sited approximately 5m away. The property to the west No 12 is sited approximately 10m away. The proposal has a kitchen window on the eastern side of the extension and a rooflight is proposed on the western roofslope. However, due to its single storey height it is not considered that the proposal would create a loss of outlook or harmful overlooking to the occupiers of the neighbouring properties No 10 and 12.

The extension is considered to be a vast improvement on the existing structures and visually subservient to the host dwelling. Due to its rear location it 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 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: Site/Block/Floor/Elevations Sheet 1 of 2, Proposed Roof Plan Sheet 2 of 2 received on the 25th April 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 approved 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 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House. 39A Southgate Street, Winchester, S023 9EH (Tel 01962 858688), or www.southernwater.co.uk.

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.