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

REF NO: **EG/43/13/**

LOCATION: 1 Abercorn Walk
Eastergate

PROPOSAL: Single storey rear conservatory

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed conservatory is to the rear of this brand new dwelling and measures 3.1m by 3.6m with 2.2m to the eaves and 3.2m to the pitch. The conservatory will be finished in a combination of matching brickwork, UPVc and glass.
TOPOGRAPHY	The site is flat.
TREES	No trees of any significance are affected by the proposed development.
BOUNDARY TREATMENT	The property is bordered by 1.8m high timber fencing to the side and rear.
SITE CHARACTERISTICS	This 1.5 storey detached dwelling is part of a new development and has only recently been occupied for the first time. The property also includes a detached single storey pitched roof garage. The rear garden is grassed with the exception of a paved area immediately adjacent to the rear elevation.
CHARACTER OF LOCALITY	The site forms part of a newly constructed housing development located on the site of The Old Rectory. Along with the 4 new homes, there are existing older properties located to the south and west.

RELEVANT SITE HISTORY

EG/52/11/	Erection of 4 no dwellings comprising 3 no four bed dwellings and I no five bed dwelling, each with integral or detached double garage, relocation of existing garage,serving The Old Rectory, and provision of new access drive,and re siting of plot 4.	App Cond with S106 28-03-2012

Application EG/52/11 granted permission for this 4 house development. Condition 11 removed

the permitted development rights for extensions and alterations with the reason given as "To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and to protect the tree screen on the boundary with the recreation field in accordance with policy GEN7 of the Arun District Local Plan."

REPRESENTATIONS

Representations received:

Eastergate Parish Council - no comments recieved.

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Engineers - request a SUDS/surface water drainage condition ENGD2A.

Comments on Consultation responses:

It is considered that the attachment of such a condition to this proposed small conservatory would be excessive and unjustified.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary;
Tree Preservation Order; and
PD Restriction.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making

process.

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

Policy GEN7 requires that new development is designed with regard to the established local character and that it does not have an unacceptable adverse impact on adjoining occupiers. With specific regard to extensions to dwellings, Policy DEV19 requires that these are visually subservient to the existing building and do not have any adverse impacts on neighbouring properties. Also extensions must reflect the existing streetscene.

This proposed small scale conservatory is located on the rear of the dwelling and as such is out of sight from the streetscene. Furthermore, it is relatively hidden from neighbouring properties by the existing boundary treatment, trees/shrubs and the distances involved. In addition, to the north, the view is further blocked by the existing detached pitched roof garage. This subservient extension has no impact on the streetscene or on neighbouring properties.

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) 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 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

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: 5710/03 "Site Location and Block Plan"; 5710/01 "Existing Elevations and Plan"; and 5710/02 "Proposed Elevations and Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 of the Arun District Local Plan.

3 The materials and finishes of the brick section of the external walls to the conservatory hereby permitted shall match in colour and texture with the brickwork of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 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.