

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

REF NO: EP/49/14/HH

LOCATION: 3 Bay Trees Close
East Preston

PROPOSAL: 2 No front dormers and tiled roof to existing front extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approx. 530 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low level brick walling to front boundary supplemented by hedging. Side and rear boundaries kept by 2 metre high flint and brick walls.
SITE CHARACTERISTICS	Detached bungalow within a corner plot. Red brick elevations with steep gable ended roof. Detached garage to east side of property. Large area of hard standing to front of dwelling.
CHARACTER OF LOCALITY	Residential cul-de-sac, predominantly bungalows. Neighbouring property has a roof conversion with flat roof dormers noted to the front roof slope.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Awaited.

1 Letter of objection:

- Rear dormers will overlook properties to the rear, 8 and 10 St Marys Drive.
- Neighbours were advised that roof lights were to be put in the rear roof slope, no consultation has taken place regarding the proposed dormer windows.
- Some compromise should be met on the rear dormers.

Comments on Representations received:

The comments made are duly noted, however the proposed dormer roof extensions and windows to the rear elevation can be carried out under permitted development. Under Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 2008 certain types of extensions are permitted, this includes flat roof rear dormer extensions. Subject to the cubic content of the original roof space not exceeding 50 cubic metres, in this case the cubic content of the proposed dormer roof extension is 49.41 cubic metres and therefore falls within the permitted threshold. Given compliance with the above criteria, the Local planning Authority cannot control this aspect of a loft conversion subject to it being carried separately from the extensions proposed to the front roof slope.

CONSULTATIONS

Consultations responses received:

None

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](#)
[DEV19](#)

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

The Form of New Development
Extensions to existing residential buildings

East Preston Village Design Statement
D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings
D SP1 Design
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement

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 for the construction of 2no. pitch roof dormer windows to be sited on the front roof slope and the addition of gable roof over an existing flat roof projection also to the front of the dwelling.

The plans also identify a large flat roof dormer to the rear elevation of the property. The plan notes that this is to be constructed first under permitted and does not form part of the planning application. As such the rear dormer must be constructed separately from the proposed additions to the front elevation to ensure that it complies with the permitted development allowances.

The proposed front dormers would sit comfortably within the front roof slopes, finished with pitched roofs and are to be covered in materials to match the existing dwelling. As such, the proposed dormers are considered to be in keeping with the appearance of the dwelling. In terms of the wider street scene, the dormers would be readily visible from the public domain. Other dormer windows are noted within the street scene, which do not result in harm to the appearance of the locality. Given that the proposed dormers are of an enhanced appearance to those noted on neighbouring properties, the dormers would not have any detrimental impact upon the character of the area.

In terms of impact upon private amenity, the scale of the front dormers mean that there is no harm by way of an overbearing affect or loss of light to neighbouring properties, and given that they overlook the street scene no direct overlooking of private amenity space or windows would result.

In the absence of any harm to visual and residential amenity, it is recommended that the application be approved subject to the following 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 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 impacts 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:

1:1250 Plan; Drawing No. JW/14/018.

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.

- 3 The materials and finishes of the extensions hereby permitted shall match in colour and texture those 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.

- 5 **INFORMATIVE:** The dormer shown on the approved plans to rear (north-west) roof slope does not require planning permission by virtue of Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2008, accordingly this does not form part of this approval.