

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EP/97/13/**LOCATION:** 2 Seventeen
Manor Road
East Preston**PROPOSAL:** Proposed glazed canopy to part of roof terrace**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a glazed canopy at first floor level measuring 4 metres in length and 2 metres in depth. It would have a sloping roof with a maximum height of 2.4m dropping to 2.1 metres. It would be located on the southerly portion of the roof terrace behind the existing parapet and would be supported by (100mm diameter) polyester powder coated aluminium posts
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1 metre high rendered wall on site frontage
SITE CHARACTERISTICS	White painted rendered building former petrol filling station and garage. Recently converted to flats. Some units are still empty awaiting buyers.
CHARACTER OF LOCALITY	Predominantly residential. Manor Road comprises mainly 2 storey dwellings, some 1 1/2 storey. Semi-detached 2 storey opposite and on other side of Nursery Close. 2 storey adjoining Nursery Close to side and rear. Bungalows start towards rear of site some chalet style detached. Adjacent to site recent development of 21 dwellings.

RELEVANT SITE HISTORY

EP/87/09/	Partial dismantling of building, conversion and new build to provide 8 no. 2 bedroom dwellings together with associated parking.	ApproveConditionally 17-08-2009
EP/4/11/NMA	Application for a non-material amendment following a grant of planning permission EP/87/09.	Approve 18-02-2011

EP/110/11/L	Application for listed building consent for partial demolition of building, conversion & new build to provide 8 no. 2 bedroom dwellings together with associated parking. Amendment to roof terrace following listed building consent EP/5/11/L	ApproveConditionally 28-11-2011
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REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection. Agreed to support the view of ADC Conservation officer on the understanding that the canopy is not visible by passers by.

Comments on Representations received:

The historic buildings adviser has been consulted on the listed building application and raises no objection.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Listed Building Grade 2

DEVELOPMENT PLAN POLICIES

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

NPPF	National Planning Policy Framework
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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

PLANNING

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 proposed glazed screen would be located behind the existing wall at first floor level. It would not be readily visible in the street scene and would be relatively modest in size. Given its height, size, position and design it would have no adverse effect on the character and appearance of the area. The canopy would not be located in a position where it would have an adverse impact on the residential amenities of adjoining properties by reason of overbearing effects. The proposed materials would be light weight and the structure would be sympathetic to the existing building and would have no adverse impact on the character or integrity of the listed building.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the 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 the no negative 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).

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 P/01,P/02 and P/03

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.