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

REF NO: **FP/113/14/HH**

LOCATION: 4 The Midway
Bognor Regis

PROPOSAL: Rear two storey and single storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey extension measures approximately 2.7m in width, depth of 13.8m and a height of 3.65m. The two storey element measures approximately 8m in width, depth of 6.8m with a maximum height of 8.1m.
SITE AREA	Approximately 575 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has dwarf brick wall plus vegetation, brick piers and entrance gates 1m-1.2m in height, side boundaries close boarded fencing approximately 1.8m in height, rear boundary has hedging approximately 2m in height.
SITE CHARACTERISTICS	Detached two storey property with single storey flat roof garage on south side. The property has brick elevations painted white, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising detached properties of mixed style and design.

RELEVANT SITE HISTORY

BR/115/48/H	Detached house and garage	Approve 10-02-1958

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.
The Council has no objection to this application subject to the obscure glass condition being applied.

2 Letters of Objection
The design, appearance and layout doubles the size of the existing footprint. This will bring the end of the rear wall in line with my front door (located in the side alley).
The layout will affect the level of daylight with a brick wall adjacent to the front door.
The extension would cause overshadowing creating an enclosed and overlooked feel.
Overlooking created by windows which would look directly into my garden and bedroom.
Loss of light and outlook.
Negative effect on the value of my property.
Negative impact on the rent ability of my property.
Construction works creating noise, dirt and mud.

Comments on Representations received:

Parish Council comments noted.

Objection comments noted
See conclusions section of the officer's report regarding impact on neighbouring properties.
Effect on the value of your property and the inconvenience of other problems caused by building works is not a material planning consideration.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order
No Public Sewer

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):		
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design 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.

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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14). "

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties.

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 detached property with garage was constructed in the late 50's and is sited within a residential road that comprises predominantly detached properties of various styles and designs. The application seeks to remove the existing garage and construct a single storey side and two storey rear extension.

The existing garage is set back from the front flank wall of the dwelling by approximately 1.3m and sited to the southern side boundary. The proposed single storey addition will be set in line with the front flank wall of the dwelling and will extend along the side elevation with a rear projection of approximately 6.8m. It will have a hipped roof to a maximum height of 3.65m. The rear two storey element which will link up with the single storey addition will be the whole width of the existing dwelling which is approximately 8m with a rear projection of 6.8m. The roof is hipped and is no higher than the existing ridge height which is approximately 8.1m. The rear two storey extension would have a rearward projection that would double the size of the existing dwelling.

The National Planning Policy seeks to ensure high quality design. The extension by way of its excessive rear projection would be poorly related to the existing property and would appear as an unsympathetic addition.

The immediate property to the south No 6 is divided into flats and on the rear there is a single storey self-contained annexe. This annexe is sited approximately 1.5m from the side boundary with No 4 and on the north side elevation of this annexe there is an entrance door with two windows, one serves a bathroom and the other a hallway. Whilst it is acknowledged that there would be no undue overlooking or loss of privacy to the occupiers of No 6 the bulk, scale and height of the extension would be dominant and overbearing. At certain times of the day it would also create a degree of overshadowing and a loss of outlook to the occupiers.

The neighbouring property to the north No 24 The Grove is sited approximately 19m away. The proposed extension will extend along the rear boundary of No 24 and on the north side elevation at first floor level there is a bedroom window. It is considered that the two storey extension by reason of its bulk and rear projection would create a degree of overlooking and loss of outlook to the occupiers.

It is accepted that the single storey addition when viewed in the street scene would not significantly alter the appearance of the dwelling. However, the rear element of the single storey and two storey addition by way of its excessive rear projection, bulk and scale would not appear visually subservient to the host dwelling.

Whilst the applicants needs are acknowledged this does not outweigh the harm identified to the character and appearance of the host dwelling and on the living conditions of the occupiers of the neighbouring properties.

It is therefore recommended to refuse the application for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 The proposed two storey extension by reason of its overall height and excessive rear projection would fail to integrate and appear subservient to the host dwelling resulting in an incongruous addition that would have an unsatisfactory relationship to the host dwelling detrimental to its character and appearance. It would be in conflict with policies GEN7 and DEV19(ii)(iii) of the Arun District Local Plan, policies DDM1, DDM4, DSP1 of the Emerging Local Plan and policy ESD1 of the Felpham Neighbourhood Plan 2013-2029.

2 The proposed extension by reason of its siting, mass and bulk would result in overshadowing and loss of outlook to the neighbouring properties in conflict with policies

GEN7 and DEV19(iii) of the Arun District Local Plan, policies DDM1, DDM4, DSP1 of the Emerging Local Plan and policy ESD1 of the Felpham Neighbourhood Plan 2013-2029.

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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.