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

REF NO: **FP/123/14/HH**

LOCATION: 40 Links Avenue
Bognor Regis

PROPOSAL: Rear & side single storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed extension will replace an existing flat roof extension to the side of the dwelling. The dimensions of the extension are as follows:- 7.39 metres in length by 3.3 metres in width and 2.74 metres to roof top height. A lantern roof light will be mounted over part of the flat roof.
SITE AREA	Approximately 403 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The entire site is enclosed by approximately 1.8 metre high timber fencing.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling. Elevation walls are finished in painted render, with occasional sections of weatherboarding. The roof is tiled and gabled. A single-storey flat roof extension has been made to the rear (eastern) elevation. There is a detached flat roof garage positioned to the side (south) of the dwelling. The main garden area is to the front of the dwelling.
CHARACTER OF LOCALITY	The site is located on a residential road that is characterised by an informal range of residential buildings of a variety of designs and scales. The presence of mature landscaping and grass verging helps to generate a semi-rural and verdant character to the surrounding environment.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environment Agency

Consultations responses received:

The application falls within the scope of our Flood Risk Standing Advice (FRSA) for householder and minor extensions.

Comments on Consultation responses:

Noted. A completed Flood Risk Assessment Form confirming that ground floor levels of the extension will not be lower than those of the rest of the building has been submitted. This is a satisfactory approach to mitigate against flood risk as per the FRSA.

POLICY CONTEXT

Within Built-Up Area
Tree Preservation Area
Flood Zone 3

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN11	Inland Flooding
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design	
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development	
Felpham Neighbourhood Plan 2014 POLICY ESD2	Development in flood sensitive areas	

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 it 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).

The Felpham Neighbourhood Plan has been made and policies ESD1 and ESD2 are relevant.

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 proposed extension will have a minimal visual presence within the street scene. This is due to a combination of the extension being set back from the front of the house, being single-storey height only and the level of screening that will be provided by existing site boundary treatment. It is therefore not considered that its presence will result in any unacceptable adverse impact upon the character and appearance of the surrounding area.

It is considered that the proposed extension will relate sympathetically towards the existing dwelling in terms of design and scale. The single-storey flat roof design will complement the appearance of the existing flat roof to the rear of the property, to which the extension will be attached, ensuring a smooth visual transition between features and preventing the various extensions to the dwelling from taking on a cluttered appearance. The single-storey height of the extension will ensure that it maintains visual subservience towards the existing dwelling.

It is considered that the proposal will not adversely impact upon the amenities of neighbouring residents by way of either or all of overbearing, overlooking or overshadowing. It is noted that the extension is positioned close to the side (southern) boundary of the site and that there are ground floor windows at the neighbouring property to the south (No. 38 Links Avenue) that will face towards the extension. However, as the proposed extension will not be significantly higher than the garage building which is to be removed, or the fence line which is to be retained, it is not considered that it will appear oppressive towards the neighbouring site or cause an undue increase in overshadowing.

Views from the ground floor windows installed within the proposed extension towards neighbouring property will be interrupted by existing site boundary treatment so as not to be intrusive. The proposed lantern roof light will be angled upward and a sufficient distance above floor level to negate the possibility of invasive views towards neighbouring sites from being offered.

It is therefore recommended that the application is approved, subject to the following conditions.

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 fro 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 it has been determined that its approval would result in a positive impact upon those people with reduced ambulatory abilities by way of allowing for easier passage through the house and provision of more facilities at ground floor level.

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 Location Plan;
Block Plan;
Current Layout;
Proposed Layout;
North Side Elevation;
South Side Elevation;
Front Elevation;
Rear Elevation;

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 development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment accompanying this application and the following mitigation measures detailed within the FRA:

Floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development will be incorporated where appropriate.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

4 The materials and finishes of the external walls and roof of the extension hereby permitted 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.

5 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.