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

REF NO: **FP/124/13/**

LOCATION: 9 Cunningham Gardens
Felpham

PROPOSAL: Proposed conservatory to rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above, to measure approximately 3.7 metres in width x 5 metres in depth x 3.7 metres in height.
SITE AREA	Approx. 590 sq.metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Timber fencing and hedging ecnlosing rear boundaries. Open to front of the site.
SITE CHARACTERISTICS	Detached single storey dwelling, gable roof with concrete tile and yellow brick and UPVC cladding to elevations. Flat roof garage to east side. 'L' shaped rear garden.
CHARACTER OF LOCALITY	Residential cul-de-sac, characterised by single storey properties with an open plan appearance to street scene. Two storey properties at entrance into the cul-de-sac.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:
Felpham Parish Council
No objection.
Comments on Representations received:
Noted.

CONSULTATIONS

Consultations responses received:
None

Comments on Consultation responses:
None

POLICY CONTEXT

Designation applicable to site:
Within the buil-up area boundary

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

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 proposal is for a conservatory to the rear of the property. This Council has adopted the 45 degree rule for the determining of Planning Applications to the rear of properties to ensure that extensions do not seriously affect a neighbour's outlook or daylight.

In this case, the proposal fails the 45 degree rule. However, because of:

(1) the conservatory being single storey;
(2) having a glazed roof;
(3) the roof being hipped and ridged away from the boundary;
(4) a 1.6m high fence on the boundary;
(5) the addition could be constructed under the recently adopted permitted development allowances for residential dwellings;

it is considered that there will be no undue adverse effect on the next door neighbour by reason of overshadowing or overlooking. It is considered therefore that this proposal is acceptable from a neighbouring amenity point of view.

From a visual consideration of the extension, the proposal will not be readily visible from any public view point, and therefore there will be no adverse effect on the visual amenities of the locality.

It is therefore 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 to 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

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

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 (1:1250); Site Plan (1:500);
Drawing No. 05:13:SOLAR

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 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.