

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** FP/137/14/HH**LOCATION:** 83 Crossbush Road
Bognor Regis**PROPOSAL:** Garage conversion, demolish carport and erect new garage**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed garage measures 2.25m (maximum) in width, depth of 5.54m with a maximum height of 3.482, eaves height 2.25m.
SITE AREA	Approximately 560 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary has hedging approximately 2m in height with driveway, east side boundary has hedging approximately 2m in height, west side boundary to No 81 has car port structure plus trellis over 2m in height.
SITE CHARACTERISTICS	Detached two storey property with integral garage, car port on western side (to be removed). The property has reddish/brown brickwork, red tile hanging on upper level, red tiled roof with brown window frames.
CHARACTER OF LOCALITY	Private residential estate comprising detached properties predominantly two storey on large plots of various styles and designs.

RELEVANT SITE HISTORY

FP/71/01/	Alterations and single storey rear extension	ApproveConditionally 25-05-2001
FP/199/04/	Single storey side extension (Re-submission following FP/126/04/)	ApproveConditionally 08-10-2004
BR/228/77	Proposed detached house	ApproveConditionally 22-06-1977

BR/160/81	Extension to form enlarge bedroom on first floor & en- large lounge on G/f & new 1st floor bedroom on NW elevation	ApproveConditionally 18-03-1981
BR/216/85	Erect a car port	ApproveConditionally 10-04-1985

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection to the application.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19 GEN2 GEN7	Extensions to existing residential buildings Built-up Area Boundary The Form of New Development
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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 SD SP2 Built-Up Area Boundary
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Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
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PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

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 to construct a garage on the western side of the dwelling with the conversion of the existing garage into habitable accommodation.

The detached property was approved under BR/228/77 and there were no restrictive conditions imposed regarding extensions or alterations. The car port which is sited on the western side boundary was constructed in the middle 80's. The property is set back from the front boundary by approximately 10m and the car port is set behind wooden entrance gates. On the west side boundary the car port is screened by trellis approximately 2.3m in height. The proposed garage which will replace the car port is to be single storey in height with a hipped roof and this will be set in slightly from the western side boundary. It will have a maximum width of 2.25m, depth of 5.54m with a maximum height of 3.5m. The proposed extension in view of its size and height could be constructed under "Permitted Development" without the need for the submission of a formal planning application and this also applies to the conversion of the existing garage into habitable accommodation.

The neighbouring property to the west No 81 is sited approximately 2.5m away from the proposal. This property has a garage with balcony above adjacent to the proposal. On the east side elevation of this property there are three small obscure glazed windows, which serve the garage, wc and larder with a door to the rear. The garage roof which slopes away from the boundary will at this point be approximately 2.3m in height which is of a similar height to that of the existing car port. However, it is noted that the structure may create a degree of overshadowing at certain times of the day but this is not considered to be of an unacceptable level to recommend refusal.

The garage is considered to be visually subservient to the host dwelling, would not be obtrusive in the street scene, nor would it harm the established character of the surrounding residential area or harm the residential amenities of the neighbouring property.

It is therefore recommended to approve the application, subject to 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 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 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

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 which were received on 21st August 2014.

Location 1:1250,
Block 1:500 Drg No 1640/01/04 dt August 2014.
Existing Floor & Elevations Drg No 1640/01/01 dt August 2014.
Proposed Ground Floor 1:50 Drg No 1640/01/03 dt August 2014.
Proposed Floor & Elevations 1:100, Proposed Roof 1:200 Drg No 1640/01/02 dt August 2014.

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: Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

- 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.