

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

REF NO: FP/16/13/

LOCATION: 1 Rudwicks Close
Felpham

PROPOSAL: Proposed new conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed conservatory to be sited on the rear elevation measures approximately 4m in width, depth of 3m with a maximum height of 3m.
SITE AREA	Approximately 420 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Dwarf brick wall to front, rear has close boarded fencing approximately 1.8m in height, east side boundary to road dwarf wall + close boarded fencing approximately 1.8m in height, east side boundary has wall + close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey property with attached garage. The walls have reddish/brown brickwork, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac with two storey properties of various styles and designs.

RELEVANT SITE HISTORY

FP/157/07/	Erection of 2 no. 2 storey 4 bed houses (detached) with integral garages & off street parking	ApproveConditionally 05-09-2007
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REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

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

PDR on FP/157/07 refers to 1a Rudwicks Close.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>DEV19</u>	Extensions to existing residential buildings
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form 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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 detached property was constructed in 2007 and the application seeks to erect a conservatory on the rear eastern elevation of the property adjacent to the living room.

The proposed conservatory has a width of 4m, depth of 3m with a maximum height of 3m. It is of an acceptable size and height that is visually subservient to the host dwelling. The neighbouring property No 1a has a similar conservatory that is sited on the eastern side of the dwelling and this is sited approximately 10m away. The neighbouring property to the south No 1 Rudwick Way has a garage that is sited on the northern side boundary being approximately 4m away and it is considered that the conservatory would be partially obscured by this structure. In view of its size and height and its separation distance to neighbouring properties it is not considered that the proposal would be unneighbourly or create loss of outlook.

The conservatory will be visible above the boundary screening when viewed from the road in Rudwick Way. However, it is not considered to be of an obtrusive nature, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended that the application be approved, subject to 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 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: Site/Block/Floor/Elevations Drg No DPA-1 Rev 01 received on 30th January 2013.

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 materials and finishes of the dwarf brick wall of the conservatory 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.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 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.