

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

REF NO: FP/186/14/HH

LOCATION: 15 Chesswood Avenue
Bognor Regis

PROPOSAL: Demolish existing conservatory, rebuild side extension with pitched roof & single & two storey rear extensions.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 256 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary has close boarded fencing approximately 1.5m in height, south side boundary has close boarded fencing with mature hedging approximately 2m in height, north side boundary has close boarded fencing approximately 1.5m in height.
SITE CHARACTERISTICS	Semi-detached two storey property with front and rear dormer, conservatory on rear to be demolished, single storey flat roof extension on side. The property has rendered walls painted cream. red tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising semi-detached and detached properties of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection to the application.

1 Letter of Objection

The roof lights in the first floor extension on the south elevation will overlook my rear garden. I would request that a condition is imposed that the windows should be either higher than 1.7m or fixed closed with obscure glazing.

Comments on Representations received:

Objection comments noted

See conclusions section of the officer's report with regard to residential amenity.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV19](#)
[GEN2](#)
[GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
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
Design of new development

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).

The Felpham Neighbourhood Plan has been made and in this instance it is considered that policy ESD1 applies.

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 rebuild the side extension with a hipped roof, remove the existing rear conservatory and construct a two storey extension with single storey flat roof extension.

The side extension will be set in line with the front flank wall of the dwelling and will project along the side elevation by approximately 6.1m with a hipped roof to a height of 6.7m which is lower than the existing ridge height.

The single storey flat roof extension on the rear will be approximately 6.2m in width, depth of

3.8m and 3.1m in height. The rear two storey extension which has a hipped pitched roof will be sited above the single storey element on the northern side of the dwelling and will be positioned behind the existing roof line and lower than the main ridge height. A hipped roof dormer is proposed and this will mimic the design of the existing dormer window.

With regard to residential amenity the neighbouring property to the north No 17 has a single storey outbuilding that is sited on the southern side boundary. The proposed extensions will be sited behind this structure. It is not considered that the first floor addition which is set back approximately 3.1m from No 17 would give rise to a loss of outlook and the addition of roof light and dormer window on the rear elevation would give rise to additional overlooking than currently exists from the first floor window.

The proposed single storey extension is the same depth as the existing conservatory which is 3.9m and this will be set in from the neighbouring boundary of No 11 by approximately 0.3m. The Council as a consideration in determining planning applications have adopted a 45 degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. The 45 degree line has been taken from the middle point of the neighbouring window and falls short of this rule. It should be noted that an extension with a depth of 3m could be constructed under "Permitted Development" without the need for the submission of a planning application. With the absence of windows on the side elevation of the extension and boundary fencing to a height of approximately 2.4m it is not considered that the extension would create a loss of outlook than currently exists from the conservatory. The 45 degree line for the two storey extension has been taken from the dormer window at first floor level on the adjoining property No 11 and complies with this rule. To provide additional light into the first floor addition two roof lights are proposed on the southern side which will be positioned 1.8m above floor level to prevent direct overlooking to the neighbouring property.

The side addition will be visible within the street scene but it is not considered that this would be of an obtrusive nature. It is not considered that the extensions would have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

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 received on 27th October 2014.

Location 1:1250, Block 1:500 Drg No PO3a Rev A dt 27.10.14.

Proposed Floor & Roof 1:100 Drg No PO1 dt October 2014.

Proposed Elevations 1:100 Drg No P02 dt October 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 The materials and finishes of the external walls and roof of the extensions 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 No windows or other openings other than those shown on the plans hereby approved shall be constructed in the south elevation of the extensions hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The roof lights on the south elevation of the two storey extension hereby approved shall be positioned 1.8m above floor level of the room in which the roof lights are installed.

Reason: To protect the amenities and privacy of the adjoining residential property in accordance with Policy GEN7 of the Arun District Local Plan.

- 6 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 adjoining property.
- 7 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.