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

REF NO: **FP/215/12/**

LOCATION: 5 Ajax Place
Bognor Regis

PROPOSAL: Rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed rear extension measures approximately 7m in width, depth of 2.25m with a maximum height of 4.1m.
SITE AREA	Approximately 400 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, side and rear boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached bungalow with detached garage that is attached to the neighbouring property No 7, tarmac driveway. The property has light brown brickwork, white cladding on upper level on front elevation, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising detached and semi-detached bungalows and two storey properties of various styles and designs.

RELEVANT SITE HISTORY

PAA/112/12/	Single storey bedroom extension to bungalow. We propose to extend 2.25m to the rear of the property to the full height and width of the existing bungalow. This will enable the roofing materials to be matched to those of the extension, and provide visual continuity. This would not be possible if the roof pitch of the extension were lowered to 18 degrees or lower. We particularly need advice on whether the proposal infinges Policy Dev 19 of the Local Plan requiring the extension is	Approve Pre App 29-10-2012

	'visually subservient' to the main building, and is likely to be refused as a result.	
FP/196/12/CLP	Application for a Lawful Development Certificate for a proposed rear single storey extension	PP Not Required 04-12-2012
BR/157/77	Resite part of fence	ApproveConditionally 11-05-1977

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
PDR - Open Plan Condition

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	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 application seeks to construct a rear extension to the bungalow which will increase the two bedrooms.

The proposed extension which will mimic the same roof height will be the whole width of the dwelling and will have a rear projection of 2.25m. It is considered to be of an acceptable size that is visually subservient to the host dwelling.

With regard to residential amenity the proposed extension will be sited approximately 5m from the neighbouring property No 7. The garage which is attached to the garage of No 7 will partly obscure the extension and with the absence of windows on the north side elevation it is not considered that the proposal would be overbearing or create loss of outlook. The neighbouring property to the rear No 3 which is a chalet dwelling is sited approximately 4.5m away. This property has a small obscure glazed window at first floor level on the side elevation of the dwelling but it is not considered that the proposal would be of an overbearing nature of create any unacceptable overlooking than currently exists from the ground floor windows.

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/Roof Drg No Edition 2/Sheet1 Received on 31st October 2012.

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 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.

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

THE 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.