

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

REF NO: FP/217/13/

LOCATION: 1 Firs Avenue
Bognor Regis

PROPOSAL: Ground floor garden room extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The garden room extension will be attached to and extend an existing small sun room which is within the house on the western side. The existing sun room conservatory measures 3.3m by 1.7m and the new conservatory (including the area of the old) is made up of two differently sized parts - 3.3m by 4.2m & 3.5m by 4.9m. It will be 2.5m to the eaves height and 3.5m to the top of the lantern roof.

TOPOGRAPHY

The site is flat but is at a higher level to the adjacent Felpham Way.

TREES

No trees of any significance are affected by the proposed development.

BOUNDARY TREATMENT

1m high fence to the boundary with no. 2 Innerwyke Close. 2m part wall/part fence to Felpham Way.

SITE CHARACTERISTICS

Pitched roof bungalow with some accommodation in the roof. Yellow/pale bricks and tiles. Corner plot with access from Firs Avenue. The house has a historic character/appearance to it but is not known to be an old structure. The house is hidden from the Felpham Way footpath by the change in levels and existing boundary treatment.

CHARACTER OF LOCALITY

Predominantly residential area adjacent to a main road. Surrounding dwellings are mixed with both traditional bungalows, chalet bungalows and two storeys dwellings. The side and part of the rear of no. 2 Innerwyke Close looks out onto/over the site.

RELEVANT SITE HISTORY

		28-11-1955
BR/215/55/B	3 bungalows	ApproveConditionally
		25-02-1957
BR/215/55/E	3 Bungalows	ApproveConditionally
		01-07-1958

No comments.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - no objection

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site: Within Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN7</u>	The Form of New Development
	<u>DEV19</u>	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 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.

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

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

Policy GEN7 requires that new development is designed with regard to the established local character and that it does not have an unacceptable adverse impact on adjoining occupiers. With specific regard to extensions to dwellings, Policy DEV19 requires that these are visually subservient to the existing building and do not have any adverse impacts on neighbouring properties. Also extensions must reflect the existing streetscene.

The Conservatory is situated on the rear of the property and as such cannot be seen from either Firs Avenue or the Felpham Road footpath. It therefore has no impact on these two street scenes. In terms of the impact on the character/appearance of the house itself, whilst the new conservatory is large, it is still considered to be a subservient extension. The rear garden is overlooked by the neighbour to the rear particularly as the boundary fence is only 1 metre high. However, there is a distance of 26m between no.2 Innerwyke Close and the dwelling and this is considered sufficient to prevent any overlooking. Furthermore, either neighbour could raise the height of the boundary fence to 2m without planning permission.

It is recommended that the application be approved subject to the following 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 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 the following impacts have 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).

The proposal would have a neutral impact on the protected characteristics.

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:

BLOCK PLAN AS EXISTING 02;
BLOCK PLAN AS PROPOSED 03 REV A;
GROUND FLOOR PLAN AS EXISTING 04;
ELEVATIONS AS EXISTING 05;
ELEVATIONS AS EXISTING 06;
GROUND FLOOR PLAN AS PROPOSED (PART) 07;
ELEVATIONS AS PROPOSED 08;
GROUND FLOOR PLAN AS PROPOSED 10;
SOUTH ELEVATION AS PROPOSED (PART);
WEST ELEVATION AS PROPOSED 12; and
THE LOCATION PLAN 01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 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.