FP/40/13/

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

REF NO: **FP/40/13/**

LOCATION: 15 Bereweeke Road
Bognor Regis
West Sussex

PROPOSAL: 1st floor rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	- First floor rear extension 7.6m wide x 2.4m deep x 8m high providing 2 x bedrooms. - 2 x Juliet balconies to rear. - Painted pebble-dash, tiles and UPVC to match existing.
SITE AREA	Approx. 480sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.5m timber fences to rear garden.
SITE CHARACTERISTICS	Two storey dwelling with attached garage and rear and side extensions.
CHARACTER OF LOCALITY	Two storey dwellings with extensions.

RELEVANT SITE HISTORY

FP/83/06/	New garage and dining extension	Approve Conditionaly 12-05-2006

REPRESENTATIONS

Representations received:
Felpham Parish Council
- No objection.

Comments on Representations received:
Noted

CONSULTATIONS

Consultations responses received:
None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
TPO

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	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, adopted in 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.

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

PRINCIPLE
The application site is located within the built-up area boundary where the principle of development is acceptable.

GEN7 FORM OF NEW DEVELOPMENT
The proposal responds to the characteristics of the site and does not adversely impact on the amenity of any surrounding property.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS
VISUAL AMENITY
The proposed extension is located above an existing ground floor extension and is sympathetically related to the existing dwelling.

The extension increases floor space by 16.5sqm and is located to the rear. The proposal is subservient to the existing dwelling.

The proposed first floor extension is set back more than 1m from the side boundaries.

The proposed extension is to the rear of the existing dwelling and above an existing ground floor and does not compromise the established spatial character and pattern of the street.

RESIDENTIAL AMENITY
The proposed extension does not conflict with a 45 degree line drawn from the centre of windows on the rear elevations of adjoining properties. An adverse overshadowing impact will not occur to surrounding properties.

There are no new windows proposed in the side elevations of the dwelling. The proposed new openings and Juliet balconies to the rear elevation serve bedrooms and have their principal view of the rear garden, 17m from the rear boundary.

The proposed first floor extension is set in 4.5m from the eastern boundary and 1.75m from the western boundary and will not result in an adverse impact as a result of overbearing.

SUMMARY
The proposal is acceptable in regard to relevant policies and is recommended for approval 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

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: Sheet 1 and 2 dated 4 March 2013.

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