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

REF NO: **FP/55/14/HH**

LOCATION: 76 Flansham Lane
Bognor Regis

PROPOSAL: Two storey rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed two storey rear extension measures approximately 6.8m in width, maximum depth of 5m with a maximum height of 6.7m.
SITE AREA	Approximately 450 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, sides and rear close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Semi-detached property. Wooden shed and summer house in rear garden. The property has rendered walls painted white, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential road comprising two storey semi-detached properties of similar style and design.

RELEVANT SITE HISTORY

FP/211/89	First Floor Extension	ApproveConditionally 04-12-1989
FP/261/05/	Two storey rear extension and new pavement crossing.	ApproveConditionally 29-03-2006

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
Class A Road
No Public Sewer
PDR restriction on FP/261/05

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
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings D SP1 Design SD SP2 Built -Up Area Boundary

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 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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been

published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
? the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
? the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
? the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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 for a two storey extension on the rear of the semi-detached property.

A previous application for a two storey rear extension FP/261/05 was never implemented. The neighbouring property No 74 at the same time under FP/262/05 submitted an application for an extension to mirror that of No 76 and this was constructed. The submitted plans mirror the appearance of the neighbouring property No 76 with two windows at first floor level, one with a juliette balcony. In view of the neighbouring extension at No 74 it is not considered that this would have a detrimental impact on the occupiers by way of overbearing affect or loss of outlook.

The neighbouring properties to the rear in Summerley Drive/Courtlands Way are sited approximately 45m-50m away. Whilst it is accepted that a certain amount of overlooking would

result from the proposed first floor windows, given the presence of existing windows at first floor level it is not considered that this is of an unacceptable level to recommend refusal and the juliette balcony would not facilitate a standing area for the occupiers.

The neighbouring property to the east No 78 is sited approxiamtely 4m away. On the south side flank wall of this property there are two obscure glazed windows at first floor level and an ancillary window at ground floor level. There is an existing bedroom window on the north flank wall of No 76 and the proposal seeks to install a landing window and an en-suite window and, if approved, a condition will be imposed that the en-suite window be obscure glazed. To further minimise any adverse impact on No 78 it is recommended that a condition be imposed that no windows or other openings shall be permitted in the north elevation without the prior permission of the LPA.

The extension due to its rear location will not be visible within the street scene or harm the character and appearance of the surrounding residential area or have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended that the application be approved, 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: Location, Site, Existing Ground/First Floor/Elevations Drg No 14-06-01 dt March 2014 received on 12th May 2014, Proposed Floor/Elevations Drg No 14-6-02 dt March 2014 received on 15th April 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 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 The en-suite window on the north side elevation of the extension shall at all times be glazed with obscured glass.

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

5 No windows (other than those shown on the plans hereby approved) shall be constructed in the north side elevation of the extension 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.

6 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.