

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** FP/59/12/**LOCATION:** 1 The Grove
Bognor Regis**PROPOSAL:** Demolish existing garden building and replace with new garden room.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 804 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	1 Magnolia Tree in rear garden
BOUNDARY TREATMENT	Front boundary is a low wall and hedge, side boundary (west) is a 2.5 metre high brick wall, side boundary (east) is 1.8 metre high timber fence and trellis, rear (north) boundary is 1.5 metre high wall.
SITE CHARACTERISTICS	Detached, two storey, flat roof modern dwelling constructed from dark brick with white render and dark timber cladding. Extensive glazing to south elevation. Public footpath runs parallel with the site to the west. Detached pitch roof timber outbuilding to rear.
CHARACTER OF LOCALITY	Predominantly residential comprising mainly detached two storey dwellings of various character and design.

RELEVANT SITE HISTORY

FP/29/01/	Demolition of existing house & construction of 5 flats with garages & parking	Inc Docs Ret'nd 26-04-2001
BR/30/67	Outline dwelling	Approve Conditionally 22-02-1967
BR/31/67	Outline dwelling	Approve Conditionally 22-02-1967
BR/32/67	Outline dwelling	Approve Conditionally 22-02-1967

BR/493/67

Dwelling

Approve Conditionally

20-10-1967

REPRESENTATIONS

Representations received:

No objection.

1 letter of Objection:-

- told that the building is for business use
- the building is too high, too close to our boundary and very obtrusive

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: [DEV19](#)
[GEN7](#)
[GEN2](#)

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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of adjoining properties.

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 proposed detached outbuilding will replace an existing detached timber, pitch roof shed. It will

measure 3.2 metres in height, 5 metres in depth and 4.3 metres wide. The outbuilding will be positioned in the northeast corner of the rear garden adjacent to the side (east) and rear (north) boundaries on the site of existing detached timber shed.

The building has a flat roof and vertical timber clad elevations with powder coated aluminium framed windows and doors. The building will have glazing to the south and west elevations, and one small glazed window in the north (rear) facing elevation. There is a slight overhang of approximately 350mm on the south and west elevations of the building. The character of the host dwelling is modern with a flat roof and extensive glazing in the south elevation. The design and materials of the detached flat roof outbuilding are therefore sympathetic to the modern character of the host dwelling.

The building will be situated within the rear garden of the application property in the northeast corner abutting the side (east) and rear (north) boundary. The west boundary is a high brick wall that screens the garden from the public footpath running parallel with the site to the west. It will therefore have limited visual impact on the streetscene and character of the surrounding area.

With regard to residential amenity, it is noted that the ground level is raised towards the rear boundary. The impact on the property to the east is limited, as no windows are proposed in the east flank elevation and the building is set back sufficient distance, towards the rear section of the neighbour's garden, such that it will not create any visual intrusion, or loss of privacy.

With regard to No. 63 Felpham Way to the rear, the roof of the existing detached timber outbuilding is visible from the west facing private rear garden and patio of this property.

The proposed replacement outbuilding will project to a depth of 5 metres, width 4.3 metres at a height of 3.2 metres. It will be sited within 500mm of the rear boundary adjoining no. 26 Felpham Way to the rear. The building will be taller and occupy a larger footprint than the existing shed. As such, it will be more visually prominent above the boundary wall that divides the two properties. It is considered to be an unneighbourly form of development, unduly prominent and overbearing, by virtue of its large scale, size and siting within 500mm of the rear boundary. It is recommended that the height of the outbuilding is reduced to be no higher than the existing shed, in order to reduce its visual prominence and overbearing impact on the neighbouring property. The window in the north elevation of the outbuilding may be conditioned to be obscured glazed to prevent direct overlooking and loss of privacy to the neighbour.

The application is therefore recommended for refusal for the following reasons:

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 (insert number and description), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life

and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 (Neutral) 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).

RECOMMENDATION

REFUSE

- 1 The proposed replacement garden room, is considered to have an adverse and overbearing impact on the residential amenities and private garden area of the neighbouring property, by virtue of its height, scale and siting, in conflict with policies GEN7 and DEV19 iii) of the Arun District Local Plan.