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

REF NO: **FP/5/13/**

LOCATION: 122 Limmer Lane
Bognor Regis

PROPOSAL: An additional garage located to an already freestanding garage. A small porch to the front of the property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed garage measures approximately 4.9m in width, depth of 6.6m with a height of 4.5m.
SITE AREA	Approximately 0.18 hectare.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Slightly uphill from highway.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open with an in and out driveway with soft landscaping in between, west side boundary has close boarded fencing approximately 1.8m in height, east side boundary has wall + hedging approximately 1.8m-2m in height.
SITE CHARACTERISTICS	Detached two storey property with detached garage on west side boundary and tarmac driveway. The property has brickwork light brown in colour, brown window frames with a red tiled roof.
CHARACTER OF LOCALITY	Residential comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

BR/477/75	One new 4 bedroomed house and double garage	Approve Conditionaly 10-09-1975
BR/359/76	Erection of detached house and double garage	Approve Conditionaly 21-07-1976

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
Tree Preservation Order 5/63

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	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 detached property has an existing double garage sited to the front on the western side and the proposal seeks to construct a single garage to the front of this structure. It also seeks to construct a front porch on the western side that will link up with the existing garage.

The dwelling is sited slightly higher than the road and the proposed garage will be sited approximately 1m-3m from the front boundary. The roof height will be set lower than the existing pitched roof garage and will match the roof height of the new porch addition. It will measure approximately 4.9m in width, depth of 6.6m with a height of 4.5m.

The main entrance is sited on the western side of the dwelling and the proposed porch with its hipped roof will extend along the front to the side flank wall of the dwelling and link up with the existing garage. It will measure approximately 6m in width, depth of 2.7m with a height of 4.5m and the porch is of a size and height that is visually subservient to the host dwelling.

With regard to residential amenity there is a walkway to the rear of the proposal that leads to the foreshore and neighbouring properties are of a considerable distance away. It is not considered that the proposal would affect the residential amenities of any neighbouring property by way of loss of outlook.

Although the proposal will be visible within the street scene, it is not considered to be of an obtrusive nature, nor would it harm the established character and appearance of the surrounding residential area.

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 Drg No 122 LP1a, Block Drg No 122 BPp1a, Floor Drg No 122 npgs1, Proposed Front North Elevation Drg No 122 nfe1, Proposed Sectional East Elevation Drg No 122 nee1, Proposed West Elevation Drg No 122 nwe1, Proposed Roof Plan Drg No 122 nrp1 received on 18th Januaury 2013.

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 porch and garage hereby permitted shall match in colour and texture those of the existing buildings.

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.