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

REF NO: **FP/73/13/**

LOCATION: 6A Limmard Way
Bognor Regis

PROPOSAL: Conversion of integral garage to kitchen, demolition of porch, construction of single storey front extension to provide garage - Resubmission of FP/237/12.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The garage extension measures approximately 4.2m in width, depth of 6m with a maximum height of 3.9m.
SITE AREA	Approximately 525 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The removal of a Willow tree but not of any significance to warrant a Tree Preservation Order.
BOUNDARY TREATMENT	Front has wall with gates and brick piers approximately 1.8m in height, side south boundary has wall, north side boundary close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey property with integral garage, open sided porch. The propery has red brickwork on lower level, render on upper level with a red tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential comprising detached properties of various styles and designs. No 6B is of a similar style and design.

RELEVANT SITE HISTORY

FP/237/12/	Conversion of integral garage to playroom, demolition of porch, construction of single storey extension to front to provide cloakroom, carport and store	Withdrawn 07-01-2013

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

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 was 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

The application seeks to convert the existing garage to create an extended kitchen, new entrance porch and garage extension. The removal of part of the boundary wall and entrance gates to create an open aspect with new vehicular access.

The application is a re-submission of a previous application FP/237/12 which was withdrawn. It was considred that the carport and store in view of its front projection was not in keeping with the host dwelling and the street scene. This proposal is for a garage extension in lieu of the carport and store which has reduced the front projection and its siting forward of the dwelling is similar to the detached garage at No 8.

The garage conversion and installation of a new window to serve a cloakroom on the south side elevation of the existing dwelling are considered to be "Permitted Development" and do not require the submission of a formal application. The existing open fronted porch is to be removed and a new entrance is to be created in the centre of the dwelling.

The garage extension will be sited on the south side of the dwelling and will be sited approximately 1.2m from the neighbouring boundary of No 4. It will measure approximately 4.6m in width, depth of 4.1m and a height of 3.9m and the roof materials will match the roof of the host dwelling. There is a window on the south side elevation of the garage extension but with its intended use and adjacent 1.8m boundary wall it is not considered that this would create any unacceptable overlooking or loss of outlook to the neigbouring property No 4.

The Willow tree sited in the front garden is to be removed with the front wall and gates removed to create an open aspect with new vehicular access. The neighbouring properties No 2, 4 and 8 have garages sited forward of the dwelling so it is not considered that the garage extension and open frontage would be out of character and appearance within the street scene or 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 11278.01, Block Drg No 11278.02, Proposed Ground Floor Drg No 11278.09A, Proposed First Floor Plan Drg No 11278.10A, Proposed West & South Elevations Drg No 11278.11A, Proposed East & North Elevations Drg No 11278.12A received on 1st May 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 garage 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: As the area of ground covered by the hard surface exceeds 5 square metres it shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

5 INFORMATIVE: The applicant is advised to contact the Coastal Team, Community and Economic Development, Communities and Infrastructure Directorate, Centenary House, Durrington Lane, Durrington, Worthing, West Sussex, BN13 2QB to obtain a licence for the site access works.

6 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

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.

7 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.