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

REF NO: **LU/300/16/HH**

LOCATION: 19 Horsham Road West
Littlehampton

PROPOSAL: Erect roof canopy & conservatory the rear of the property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed development comprises a conservatory measuring 3m deep, 3.4m wide and 2.7m high (max)with a canopy covering an additional 0.5m depth to the rear and 2.6m to the side of the proposed conservatory. The proposed extension would be sited off the existing rear extension and replaces a timber structure with canvas sides. Materials would match the existing property.
SITE AREA	Approximately 300 sq.m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The side and rear boundaries are marked by=approximately 1.8 metre high timber closed board fencing.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two storey dwelling which has brown brick elevation walls and a tiled gable roof. There is a flat roof extension to the rear in brick to match. Off this extension is a timber structure with canvas walls and a canopy.which has painted render elevations. There is a timber shed and greenhouse to the rear.
CHARACTER OF LOCALITY	The site is located on a residential road which is characterised by semi-detached two-storey

dwellings which are set back from the road with grass verge areas to the front.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council have no objection.

No representations were received in response to public consultation.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Built up area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		D SP1 Design
		SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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 site is located within an established residential area and also the built up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies GEN7 and DEV19 and policy DDM3 of the Emerging Local Plan which seek to prevent development that would have an adverse impact upon visual and residential amenities.

The property is a semi detached property which is comparable in design form along the road frontage. The proposed conservatory extension would not be visible from the street. The proposed development would be extended off the existing single storey rear extension which is 3.8 m deep. therefore the proposed conservatory would provide a cumulative depth of rear additions of approximately 6.6m and the canopy providing an additional 0.5m The conservatory is only half the width of the rear extension. This provides an overall L shaped development with the canopy covering the remaining width of the extension. The proposed scheme would replace an existing structure and would be a significant visual improvement, however, the lawfulness of the existing structure is not known. It is considered that the cumulative depth of the existing structure together with the roof design sloping towards the main house would mean the development is not subservient to the main house. However, the proposal largely complies with policy DEV19 and as such it is not considered that refusal on this ground could be substantiated.

Given the single storey nature of the proposal, distance to the side boundary with No.21 and the existing boundary treatment and outbuildings, together with the curve in the road means the proposed development is not harmful to the amenity of the occupiers of this property. With regard to No. 17, which has a conservatory approximately the depth of the existing single storey extensions at No.19, the proposed depth of the conservatory and canopy rising to a height of 2.7m, which would be higher than the boundary fence, and approximately 0.4m off the side boundary, however it is not considered to be unduly dominant upon the amenity of the occupiers of No.17

There are no parking implications from the proposal.

It is therefore recommended that the application be refused for the following reason.

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 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.G

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts 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).

The proposal would have a neutral impact on the protected characteristics.

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 plan, block plan, proposed plan and proposed elevations.
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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 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.