

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

REF NO: LU/33/13/

LOCATION: 47 Sussex Street
Littlehampton

PROPOSAL: Proposed rear conservatory

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This is a retrospective application. The conservatory that has been built measures 3 metres in width by 4 metres in depth and approximately 3.1 metres to roof apex.
SITE AREA	Approximately 160 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The rear garden is enclosed by timber fencing that varies between approximately 1.5 and 1.8 metres in height.
SITE CHARACTERISTICS	The site is occupied by an end of terrace two-storey dwelling which has red/brown brick elevation and a tiled, gable ended roof. The conservatory subject of this application has been added to the rear elevation.
CHARACTER OF LOCALITY	The site is located on a residential road that is lined by terraces of two-storey dwellings. A number of these dwellings have been extended to the rear at single-storey height.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

The Development Plan consists of the Arun District Local Plan.

It should be noted that the Arun District Local Plan 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.

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 conservatory has been built to the rear of the two-storey dwelling and, as such, does not form a visible presence within the street scene. Conservatories and single-storey extensions are a common feature to the rear of dwellings on Sussex Street and it is therefore considered that the conservatory is in harmony with surrounding development and does not adversely impact

upon the character and appearance of the surrounding area.

The conservatory is of a modest scale and this ensures that it maintains a subservient relationship towards the host dwelling. In addition, the brickwork and pitched roof of the conservatory compliment the design and appearance of the host dwelling, ensuring a visually integrated appearance.

With regards to the amenities of neighbouring residents, the conservatory has been built close to the northern boundary of the site and its north facing elevation wall intercedes a 45 degree line of sight taken from the glazed doors serving the dining room of the neighbouring property (No. 45). However, the modest height of the proposal, with brickwork reaching only approximately 1.8 metres above ground level, with the upper parts of the conservatory being glazed, as well as the fact that the roof pitches away from the site boundary, prevents the conservatory from obstructing light to a degree that would be deemed unacceptable under planning legislation. This modest height also prevents the conservatory from appearing overbearing despite its proximity to the site boundary.

Views from ground floor windows towards neighbouring properties are interrupted by existing site boundary treatment. Windows within the northern elevation are set high above floor level so as not to facilitate overlooking.

Finally, it should be noted that a conservatory of this height, in this position, measuring up to 3 metres in length could have been constructed at this site without the need for planning permission under householder permitted development rights and it is considered that the impact of the conservatory that has been built is not substantially different to that which would result from a permitted development structure.

It is therefore recommended that planning permission is approved retrospectively.

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 it has been deemed that its approval would have a neutral impact 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).

As such, no mitigation measures are required.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved is in accordance with the following approved plans:-

1:1250 Location Plan;
1:500 Block Plan;
Proposed Elevations & Plan;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 2 **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.