

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

REF NO: M/57/12/

LOCATION: 19 Old Point
Middleton-on-Sea
Bognor Regis

PROPOSAL: Dormer window & velux roof light to front elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is to provide a velux roof light and a dormer window with a Juliette balcony on the front elevation.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to site boundaries to approximately 1.8m high. The frontage Leylandii hedging to approximate 2m height.
SITE CHARACTERISTICS	Detached chalet style dwelling with one pitched roof dormer window in front elevation. Plain tile roof, white rendered elevations. Dwelling is set back approximately 30m from site frontage.
CHARACTER OF LOCALITY	Predominantly residential. Characterised by detached one and a half and two storey dwellings of varying design. Set back from the road frontage. No. 23 has a similar dormer with a Juliette balcony.

RELEVANT SITE HISTORY

M/12/63/A	Addition	Approve 04-12-1963
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REPRESENTATIONS

Representations received:

Middleton 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:

Within Built Up Area Boundary

Within Middleton on Sea Estate Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[AREA1](#)
[DEV19](#)

The Form of New Development
Areas of Special Character
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

MDS

Middleton-on-Sea Village Design Statement by
Middleton PC

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 property is well set back from the site frontage and is not readily visible in the street scene given the distance from the boundary and hedging and planting along the site boundaries and within the front garden area. Although the dormer would be at first floor level these factors would ensure that it would not form a dominant feature in the street scene. It would also balance the appearance of the dwelling since a dormer window already exists on the side of the front roof slope. Dormer windows and Juliette balconies are evident in other properties in this locality.

The site lies within the Middleton on Sea Estate Area of Special Character and the proposed dormer and velux would not compromise or detract from the seaside character of the road, the location of the property or the retention of boundary features which make a positive contribution to the character of the area. The proposal therefore accords with Policy AREA1 of Arun District Local Plan.

In terms of residential amenity the proposed dormer window would look onto the front garden area of the existing dwelling and would afford oblique views over the front garden area of No. 21. There is currently an existing bedroom window facing onto the side of No. 21. It is not therefore considered that the proposal would result in a material loss of privacy to the residential amenities of the adjoining property.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 the 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 no negative 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).

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, site, roof, proposed elevations and floor plans

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for the roof of the proposed dormer has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dormer.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 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

M/57/12/

LOCAL PLAN: GEN7, AREA1, DEV19

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.