

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

REF NO: P/111/13/

LOCATION: 22 Leonora Drive
Nyetimber
Bognor Regis

PROPOSAL: Side and rear extensions; demolition of detached garage and conservatory and replacement of 6 No windows with white aluminium windows.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 697 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Sides and rear boundary has close boarded fencing approxiamtely 1.8m in height, front boundary is open to the highway.
SITE CHARACTERISTICS	Detached bungalow with conservatory on rear, single flat roof garage on south side, detached garage on north side, wooden summer house in rear garden. The property has rendered walls painted white, concrete tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising detached and semi-detached bungalows of similar style and design.

RELEVANT SITE HISTORY

P/21/10/	Replacement of flat roof on garage to pitched. Approve	22-04-2010
P/50/60	Revised plans for bungalow and garage	ApproveConditionally 19-10-1960

REPRESENTATIONS

Representations received:

Pagham 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

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [DEV19](#)
[GEN2](#)
[GEN7](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design
Statement by PaghamPC

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.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 construt a single storey extension on the southern side of the dwelling to replace the existing garage with a rear extension replacing the existing conservatory. The replacement windows although noted in the description does not require the submission of a planning application.

The single storey flat roof garage positioned on the southern side of the dwelling is set in line with the front elevation and the neighbouring garage of No 24 is sited to the boundary with No 22. The proposed single storey extension will be sited approximately 0.4m away from the neighbouring boundary and will be set back from the front of the dwelling by approximately 2.7m. It will measure approximately 4m in width, depth of 6.8m and the height of 4.8m will follow the roof line of the existing roof. The proposed extension has no windows on the south side. With regard to residential amenity the neighbouring dwelling No 24 is sited approximately 5m away. On the north side elevation of this dwelling are two windows, one which serve a bathroom and the other an ancillary kitchen window. With adequate distance and the absence of windows on the side elevation it is not considered that the extension would create unacceptable overshadowing or loss of outlook to the occupiers of No 24.

The conservatory on the rear is to be removed and the proposed extension will be sited on the northern side of the dwelling adjacent to the lounge. The hipped roof extension will be no higher than the existing roof with a width of 7.7m and depth of 3.5m. The neighbouring property to the north No 20 has a conservatory on the rear of the property and sited approximately 7m away. It is noted that the extension may create a degree of overshadowing at certain times of the day but it is not considered to be of an unacceptable level to recommend refusal.

The proposed extensions are considered to be visually subservient to the host dwelling and the materials to be used will match the existing. The front extension will be visible within the street scene but it is not considered to have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring properties.

It is therefore recommended for approval, subject to conditions.

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: Location/Block Drg No BAD/001-PL-01 Rev A, Proposed Roof BAD/001-PL-04 received on 24th December 2013, Proposed Floor BAD/001-PL-02 Rev B, Proposed Elevations BAD/001-PL-03 Rev C received on 29th January 2014.

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 en-suite window on the front elevation of the extension shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the south elevation of the extension hereby permitted which adjoins the side boundary with No 24 Leonora Drive without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The materials and finishes of the external walls and roof of the extensions 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.

- 6 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.