

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

REF NO: P/112/14/HH

LOCATION: 31 Swandene
Bognor Regis

PROPOSAL: Rear extension and garage conversion

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed rear flat roof extension has a maximum width of 8.72m, depth of 4.5m and a height of 2.8m.
SITE AREA	Approximately 467 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, close boarded fencing approximately 1.8m in height surrounds the site.
SITE CHARACTERISTICS	Two storey dwelling with conservatory on rear (to be removed), attached garage on west side. The property has brick, render elevations with white cladding on upper level, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising a mixture of terraced two storey and detached properties.

RELEVANT SITE HISTORY

P/32/63/V	9 one storey dwelling with garage	ApproveConditionally 11-08-1966
-----------	-----------------------------------	------------------------------------

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water Planning

From our initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing drainage apparatus, and therefore Southern Water objects to the proposed development. If planning permission were to be granted, Southern Water as the statutory sewerage undertaker would request that the Council as the Building Control Authority refuse Building Regulations approval on the grounds that building over the public sewer cannot be permitted.

In order to progress the proposed development on the site, the layout must be amended. In considering an amended layout:

The 125mm diameter foul rising main requires a clearance of 3m either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3m either side of the centreline of the public sewer. No new soakaways should be located within 5m of a public sewer. All other existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

In order to divert drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission what measures will be undertaken to divert the public sewers prior to the commencement of the development.

Southern Water requires a formal application for a new connection to the foul and surface water sewer to be made by the applicant or developer.

Comments on Consultation responses:

Comments noted

If approved, an informative will be placed on any consent regarding connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
PD Restriction
Art 4 Direction
Public Sewer On Site

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV19](#)
[GEN2](#)
[GEN7](#)

[Publication Version of the Local](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design

Plan (October 2014):

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

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design
Statement by PaghamPC

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 and erect a rear extension.

The garage is attached to the dwelling and this is to be converted into a bedroom with en-suite and an enclosed bin store to the front which will be enclosed by a full width garage door in lieu of the existing garage door and entrance door.

The existing conservatory is to be removed and the proposed extension will be sited approximately 1m from the east side boundary. It will extend along the rear flank wall of the dwelling and garage. It will have a maximum width of 8.72m with a maximum rear projection of 4.5m with a flat roof to a height of 2.8m. It is considered that the extension is visually subservient to the host dwelling.

With regard to residential amenity the neighbouring property to the west No 29 has an extension on the rear of the dwelling and the proposed extension will be of a similar depth to this extension. The Council as a consideration is determining planning applications have adopted a 45 degree rule which is used as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbours outlook or daylight. In this instance the 45 degree line has been taken from the middle point of the patio doors on the extension and complies with this rule. The neighbouring property to the east No 33 is sited forward of No 31 and this property has a flat roof extension on the rear which projects out by approximately 3m. The 45 degree line has been taken from the middle point of the patio doors and is slightly short of this rule. It should be noted that an extension with a depth of 4m could be constructed under "Permitted Development" without the need for the submission of a formal planning application. The existing conservatory has a depth of 3.5m and the proposed extension will be approximately 1m deeper than the existing. To provide additional light into the extension a high level window is proposed on the east side. With its flat roof to a height of 2.8m and boundary fencing to a height of 1.8m it is not considered that the extension would give rise to a loss of daylight or outlook to the occupiers of No 33 to recommend refusal.

It is considered that the development would be in keeping with the character and appearance of the locality and would not have a significant impact on the visual amenities of the locality or

residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended to approve the application, 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 received on 10th November 2014.

Location 1:1250.

Block 1:500 Drg No AB1a Rev B dt Oct 2014.

Proposed Floor 1:100 Drg No AB004 Rev A dt Oct 2014.

Proposed Elevations 1:100 Drg No AB003 Rev A dt Oct 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 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development as there is a public foul rising main sewer crossing the site. (see letter dt 25.11.14 from Southern Water on website). From their initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing drainage apparatus and Southern Water objects to the proposed development. The developer is advised to discuss the matter further with Southern Water Services, Developer Services Team, Southern House, Sparrowgrove, Otterbourne, Hants SO21 2SW or email developerservices@southernwater.co.uk.

- 4 **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.