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

REF NO: **P/52/13/**

LOCATION: 4 Downlands Close
Pagham

PROPOSAL: First floor rear extension plus velux window in bedroom 2.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes a first floor rear extension to sit above the existing ground floor extension approved in 2007. The extension will measure 3.1m deep by 6.45m wide and 3.5m in height. The width and height are as per the existing first floor element. In addition, a new high level velux window is proposed on the southern roof elevation.
TOPOGRAPHY	The site is flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is a 2m boundary fence to 3 Downlands Close and a 1.8m fence to 5 Downlands Close. With regard to the latter, the section of the fence between the two dwellings has a trellis top (included within the 1.8m height).
SITE CHARACTERISTICS	No. 4 Downlands Close is a chalet bungalow and therefore has accommodation at first floor within the roof space. It has been extended in the past to provide a dormer on the north side, a rear single storey extension and a single storey garage extension on the north side.
CHARACTER OF LOCALITY	The detached bungalows on Downlands Close have a slightly staggered building line and as such no. 4 is set slightly further back than no. 3 but not as far back as no.5. The bungalows on the street are all mixed in shape and some are set so far back that they have limited rear gardens. The bungalows also have varied roof heights and designs. No. 5 has a similar appearance to 4 with accommodation in the roof but no. 3 has a much flatter roof with no first floor element. To the rear of the dwelling is a large expanse of garden land subject of previous refusals for new residential accommodation.

RELEVANT SITE HISTORY

P/85/06/	Extension to dormer bungalow to provide new garage, breakfast area & study with one additional bedroom at first floor level	Approve Conditionaly 14-08-2006
P/61/07/	Single storey extension to rear plus new garage and extended dormer to north side of property. (Re-submission following P/85/06/)	Approve Conditionaly 14-08-2007
P/4/65/A	Detailed plans for semi-bung- alow and garage	Approve 15-04-1965

It is interesting to note that planning permission was gained in 2006 for an extension at the rear to provide both new ground floor accommodation and extra bedrooms above. This was never implemented and the following year, permission was gained instead solely for new ground floor accommodation.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site: Within built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

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 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.

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 a material planning consideration that planning permission has been previously granted for a first rear extension. The 2006 application (Ref P/85/06) allowed for a large first floor rear extension comprising of two new bedrooms including one with an en-suite. That application was determined with regard to the same Local plan policies as are currently still in place.

CONCLUSIONS

Policy DEV19 requires that extensions be visually subservient, sympathetically relate to and visually integrate with the existing dwelling. Extensions must also avoid adverse impacts to neighbouring properties and must reflect the existing streetscene.

In this case, whilst the proposed first floor rear extension is not subservient in height to the existing, it has no impact on the character of the existing dwelling, merely resembling the filling in of an existing gap above the single storey extension to the rear. Furthermore, permission was previously granted for something much larger in 2006.

It is not considered that the extension has any impact on the neighbouring bungalows as these are detached and therefore there is a gap between no. 4 and no. 5 Downlands Close of 4-5m (and greater to no. 3). No. 5 Downlands Close does have ground floor windows on its side elevation and given that there may be perceived overlooking from the proposed high level velux window, it is recommended that a condition be attached to ensure that this window is obscure glazed.

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.

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 materials and finishes of the external walls and roof of the first floor extension 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.

3 The proposed first floor velux window on the southern elevation of the building 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 The development hereby approved shall be carried out in accordance with the following approved plans: "Block Plan", "Existing & Proposed Floor Plans" and "Existing and Proposed Elevations & Roof Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment

in accordance with GEN7 and DEV19 of the Arun District Local Plan.

5 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.