

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

REF NO: P/60/13/

LOCATION: 34 Nyetimber Lane
Bognor Regis

PROPOSAL: Conversion of loft space to form new bedroom on the 2nd floor.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to convert the loft space above Flat 4 to form a new bedroom and bathroom. 5 velux roof lights each with a sill level of approx. 1m are proposed in the western roof plane.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The site is predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The north boundary has a boundary wall with black railings. The eastern boundary has a dwarf wall to the adjacent flat development "Oaklands court". The front western boundary is open to the highway. The southern boundary has an access road to the rear of 170-172 Pagham Road running along it.
SITE CHARACTERISTICS	This building is sited on the corner of Nyetimber Lane and Pagham Road. It is a two storey flatted development with a front porch, external staircase and balcony detail on the northern elevation. The building is a mix of red brickwork and cream painted render with a mock Tudor effect on the front elevation and red roof tiles.
CHARACTER OF LOCALITY	This is a C road. Mix of residential and commercial with flat development to the east of the site and a car park to the north (for use by The Bear Public House to the west). There are other velux windows in roof elevations of other properties nearby including 2 on the west facing roof of 164 Pagham Road and 1 on the west facing roof of the house immediately to the south of this. There are also existing velux windows on the west and north facing elevations of the existing flatted building.

RELEVANT SITE HISTORY

P/21/99/	Demolition of fire damaged restaurant and flat. Erection of four number flats.	Withdrawn 30-03-1999
P/101/99/	Outline application for restaurant of 106 sq mtrs and two flats over.	ApproveConditionally 03-12-1999
P/100/99/	Outline application for restaurant of 116 sq mtrs and one flat over.	ApproveConditionally 03-12-1999
P/8/00/	Approval of reserved matters following P/101/99 for restaurant, kitchens & two flats over	ApproveConditionally 12-04-2000
P/7/03/	Conversion of existing restaurant, kitchen and toilets into two self contained two bedroom flats	ApproveConditionally 16-04-2003
P/103/03/	Conversion of Restaurant into one 2-bed flat and two 1-bed flats	ApproveConditionally 21-10-2003
P/75/07/	Loft conversion to provide bedroom with en-suite.	ApproveConditionally 23-08-2007

P/75/07 was an application for the conversion of the loft above Flat 5, 34 Nyetimber Lane and included 3 roof lights in the eastern roof plane. This application was approved with reference to current local plan policies DEV19, GEN2 and GEN7. A condition was imposed requiring that the roof lights be obscure glazed.

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](#)
[GEN7](#)

Extensions to existing residential buildings
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. 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

Flat 4 has 2 bedrooms and is located on the first floor of the building. The application seeks to add an internal staircase and convert the loft space above to provide a 3rd bedroom and a bathroom. There is no change to the external footprint but 5 new roof lights will be added to the west facing roof. These roof lights will be above the height of the existing roof light on this elevation.

There is not considered to be any overlooking or loss of privacy with these new windows. Whilst the sill heights are at 1m and so would be easy to look out of, the view is out across the car parking area, across the Pagham Road and towards a mix of two storey residential and part commercial premises opposite. The distance to the nearest property is at least 29m. In view of this, it is not considered that the proposal will detrimentally harm the residential amenities of any neighbouring properties by way of overlooking or loss of privacy. A condition will be imposed to ensure that the

bathroom window is obscure glazed.

Furthermore, the proposal will not be obtrusive in the context of the street scene, nor would it conflict with the established character of the surrounding area. The proposal does increase the number of bedrooms; however there appears to be plentiful on and off street parking within the surrounding area.

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 development hereby approved shall be carried out in accordance with the following approved plans: Existing First Floor Plan (12/06/13); Proposed First Floor Plan Rev A (01/07/13); Proposed Second Floor Plan Rev A (02/07/13); Elevations (02/07/13); Proposed Cross Section (17/06/13); and Roof Plans (02/07/13).

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.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the roof of the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: (a) To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 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.