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

**REF NO:** **P/60/15/HH**

**LOCATION:** 38 Kings Drive
Pagham

**PROPOSAL:** Loft conversion

## SITE AND SURROUNDINGS

| | |
|---|---|
| DESCRIPTION OF APPLICATION | It is proposed to alter the existing roof with a new gable ended roof either side of the existing pyramid. A rear box dormer will then sit on the rear facing roof with two velux windows on the front. The new roof will match with the height of the existing pitch. The box dormer will be 8.9/9m wide, 2.25m high and a total of 3.5m deep. It will sit 0.3m below the new ridge and set in from the gables by around 0.9m. The loft conversion adds two new bedrooms but due to a reconfiguration downstairs, the dwelling will only increase by only 1 bedroom to 4. |
| SITE AREA | N/A. |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A. |
| TOPOGRAPHY | Predominantly flat |
| TREES | None affected by the proposed development. |
| BOUNDARY TREATMENT | 1.6m close boarded fence to no. 36. Side of an existing garage to no. 40. |
| SITE CHARACTERISTICS | Existing large detached bungalow. White painted brick with a tiled roof. Wide plot frontage. |
| CHARACTER OF LOCALITY | Predominantly residential. It was noted that no. 33 has front dormers whilst the dwelling to the rear of 38 has a rear dormer. Predominantly single storey bungalows on the even side of Kings Drive with two storey dwellings on the odds side. No. 36 has ground floor flank windows but none at first floor that might be affected. |

## RELEVANT SITE HISTORY

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|---|---|---|
| P/36/88 | Outline Application For: Erection of single dwelling. | Refused<br>15-06-1988 |
| P/3/94 | Erection of double garage | ApproveConditionally<br>11-02-1994 |
| P/18/97 | Rear extension | ApproveConditionally<br>11-04-1997 |

No recent history.

## REPRESENTATIONS

**Representations received:**

Pagham Parish Council

Pagham Parish Council - no objections.

**Comments on Representations received:**

Noted.

## CONSULTATIONS

**Consultations responses received:**

None.

**Comments on Consultation responses:**

N/A.

## POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
PD Restriction/Open Plan Condition.

### DEVELOPMENT PLAN POLICIES

| | | |
|---|---|---|
| Arun District Local Plan 2003: | DEV19 | Extensions to existing residential buildings |
| | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |
| Publication Version of the Local Plan (October 2014): | | D DM1 Aspects of Form and Design Quality<br>D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)<br>D SP1 Design<br>SD SP2 Built-Up Area Boundary |

### PLANNING POLICY GUIDANCE

| | |
|---|---|
| NPPF | National Planning Policy Framework |

## 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. The Pagham Neighbourhood Development Plan has not yet been made.

## 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 proposal is for a new gable ended front/rear facing roof with a rear box dormer attached to it and two new velux windows. The proposals results in a 1 bedroom increase in the size of the dwelling. It is not considered that the dormer would be permitted development as it is attached to a new section of roof.

It is not considered that the extensions will result in any loss of privacy to neighbouring properties. There is a significant distance to the property to the rear and no side facing windows are proposed. There may be some loss of light to the north eastern flank of no. 36 but their elevation contains only secondary flank windows and these are already only 1m from a boundary fence and as such will already be short on light.

In terms of the visual impact of the extensions, it is considered that the new roof will not be subservient to the existing dwelling but it is noted that it will not increase the height of the roof. The dwellings on the evens side of Kings Drive are all pretty similar in design but this is not an area of any special character and those dwellings on the odds side are all much higher. It is not considered that it would be appropriate to refuse the application on character grounds particularly given the lack of objections to the proposals.

It is noted that the dwelling has plenty of off street parking and rear garden space and therefore can easily accommodate the increased number of bedrooms. It is therefore recommended that the application is approved, subject to the following 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 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:

Drawing No. 13 Location Plan;
Drawing No. 12 Site Plan;
Drawing No. 1 Existing Ground Floor Plan;
Drawing No. 2 Existing Elevations;
Drawing No. 7 Proposed Ground Floor Plan;
Drawing No. 8A Proposed First Floor Plan;
Drawing No. 9 Proposed Elevations;
Drawing No. 3 Existing Roof Plan;
Drawing No. 10 Proposed Roof Plan;
Drawing No. 4 Existing Section A-A;
Drawing No. 11 Proposed Section A-A;
Drawing No. 5 Existing Section B-B; and
Drawing No. 6 Existing Section C-C.

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 materials and finishes of the new roof (not the dormer) 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.

4 No windows shall be constructed in the flank facing elevations of either the new roof or the rear box dormer 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 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.