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

REF NO: **P/7/14/**

LOCATION: 9 Ledbury Way
Pagham

PROPOSAL: Rear extension & change of materials to walls/elevations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to demolish existing rear conservatory and replace with a single storey extension (joint with P/6/14)and replace existing front tile hanging with weatherboarding.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to sides and rear.
SITE CHARACTERISTICS	Semi detached house, brick rear and brick and tile hanging to front. Concrete tiled roof.
CHARACTER OF LOCALITY	Predominantly residential mix of houses and bungalows.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council:
No objection.

Others:
None.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:
None.

POLICY CONTEXT

Designation applicable to site:
Within a built up area boundary
PDR - open plan restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM4 Extensions & Alterations to Existing Buildings D SP1 Design	

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
? the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
? the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
? the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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

PRINCIPLE:
The site is within a built up area boundary where development is acceptable in principle subject to normal development control criteria such as visual and residential amenity being satisfied.

NATIONAL PLANNING POLICY FRAMEWORK:
Paragraph 17 states that the core planning principle is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. For the reasons given below it is considered that the proposal is in accordance with this policy.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS:
This policy states that planning permission will be granted to existing residential buildings provided that the extension sympathetically relates to and is visually intergrated with the existing building, is subservient to the main building, does not create overshadowing or overlooking. It is considered that the proposal is in accordance with this policy.

VISUAL AMENITY:
The proposal for a matching extension at the rear of the property as the adjacent semi detached house (7) is a visual enhancement in that the dwellings are visually in symmetry. The removal of the front tile hanging and replacement with weatherboarding will visually update the appearance of the dwellings. Therefore there is considered to be no loss of visual amenity, rather a small improvement.

RESIDENTIAL AMENITY:
The neighbouring property has also applied for the same rear extension and change of materials and therefore there is no loss of residential amenity. The extension is single storey and is 1m off

the boundary and therefore it is not considered that this would result in the loss of any residential amenity to number 11 as the whole house runs along the rear garden of number 11, consequently the proposed extension is not considered to result in any loss of amenity.

SUMMARY:
The proposed extension and change of materials is considered to be satisfactory and will not result in any loss of residential or visual amenity it is therefore recommended that the application is approved with the following conditions.

HUMAN RIGHTS ACT

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) 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 none of the following impacts (negative, Neutral or positive) 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).

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 RD/0035/00A, RD/0035/01, RD/0035/06, RD/0035/02, RD/0035/04

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 The materials and finishes of the external walls of the 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.

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.