

REPORT UPDATE

Application No: P/82/12/

Reason for the Update / Changes

Reason for Update/Changes:

Positive & Proactive Statement to be placed on any approval issued after 1st December 2012

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.

Officers Comment:

Note: The informative to be placed at the end of the report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's

report

Report/Recommendation.

P/82/12/

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

REF NO: P/82/12/

LOCATION: 24 Pagham Road
Pagham

PROPOSAL: Removal of existing workshop & conservatory. Construction of a single storey rear extension (East). New vehicle access to Pagham Road to provide 'in & out' vehicle movement for safety reasons

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey kitchen and wc extension measures approximately 3.3m in width, depth of with a height of 4.5m. The proposed rear extension for family/living room measures approximately 9.2m in width, maximum depth of 7m with a maximum height of 5.6m.
SITE AREA	Approximately 944 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Uphill from the road.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has wall 0.5m-1m in height, rear has close boarded fencing + trellis approximately 1.8m in height, south side boundary has close boarded fencing + shrubs 1.8m-2m in height, north side boundary has hedging approximately 1.8m in height.
SITE CHARACTERISTICS	Detached bungalow with attached garage/workshop on north side, conservatory on rear. The property has reddish/brown brickwork, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Main road with residential properties, predominantly detached of various styles and designs, open fields to west of site.

RELEVANT SITE HISTORY

PAA/78/12/	Pre-application advice for single storey rear extension incorporating adaption of existing pitched roof not exceeding ridge height, new vehicle access to Pagham Road to provide 'in & out' vehicle movement for safety reasons.	Approve Pre App 02-08-2012
P/22/54	Bungalow and garage	Approve Conditionally 13-10-1954

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways

There is no apparent visibility issue at the proposed new access point, and given that an access already exists adjacent to it, would seem sufficient evidence to presume there are no concerns. The site lines to the east when exiting will also be enhanced from having the exit moved. The most recently available verified accident records reveal there have been no personal injury incidents in this direct vicinity. The provision of 2 x 2 metres pedestrian visibility splays should be secured by condition at this access point.

Based on the above comments, I see no reason to object to this planning proposal from a highway perspective subject to conditions regarding pedestrian visibility and the construction of the access to a highway specification.

Comments on Consultation responses:

Comments noted

If approved, a condition will be imposed regarding the pedestrian visibility splays and an informative regarding the highway specification.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19 GEN2 GEN7	Extensions to existing residential buildings Built-up Area Boundary The Form of New Development
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PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design
Statement by PaghamPC

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 and the South East Plan adopted in 2009. It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraphs 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been fully adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 conflict with relevant Development Plan policies in that it does not accord with Policy DEV19(ii) in that it is not considered to be visually subservient to the host dwelling.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely that it would have no materially adverse affect 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.

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where the principle of development is deemed to be acceptable, provided relevant planning policies are satisfied. Whilst the proposal is considered to conflict with Section (ii) of Policy DEV19 of the Arun District Local Plan, in that it would not be visually subservient to the host dwelling, it is considered acceptable since it would not have an adverse impact on the visual or residential amenities of the locality.

CHARACTER AND APPEARANCE

The property has a garage with workshop that is sited on the northern side of the dwelling and this is linked to the dwelling by a covered lobby and there is also a conservatory sited on the rear. The application seeks to retain the existing garage with the removal of the workshop to the rear. The rear conservatory is to be removed and a new single storey extension is proposed that will create a family/living room with a new pitched roof that will link into the existing roof and this will be no higher than the existing ridge height. Although the extensions are of an acceptable size and the new roof line will simplify the existing structure and remove existing valleys and gutters despite non-compliance with Policy DEV19(ii).

RESIDENTIAL AMENITY

The neighbouring property to the north No 26 which is a two storey dwelling is sited approximately 1.5m away. The single storey extension has no windows on the side elevation and the property has a window on the rear. The neighbouring property to the south No 22 has recently been extended to the rear and this extension has two windows and patio doors on the side elevation fronting No 24. The proposed extension will be set in line with the extension at No 22 and on the south side elevation there are two windows. The 45% degree line has been taken from the centre line of the nearest neighbouring windows on No 22 and 26 and the extension complies with this rule. In view of its single storey height and adequate boundary screening it is not considered that the proposal would detrimentally harm the occupiers of No 22 and 26 by way of overbearing affect, unacceptable overlooking or loss of outlook.

HIGHWAY ISSUES

The existing access onto Pagham Road is narrow and not easy to negotiate and a second access is proposed that will allow for an 'in and out' system. This will require the removal of part of the front wall on the southern side to create a new access with crossover and the front garden is to be adapted by the provision of hard landscaping. County Highways have been consulted and have raised no objection on the proviso that 2 x 2 metre pedestrian visibility splays be implemented and this will be secured by a condition.

SUMMARY

Whilst the size of the proposed extension is such that it would be contrary to policy in that it would not be subservient to the host dwelling, it is considered that the development would be in keeping with the character and appearance of the vicinity. It would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended that the application be approved, subject to 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 (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: Site/Floor/Elevations Drg No 3207.01 PL11, Block, Roof , Western Elevation showing new access Drg No 3207.01 PL12 received on 25th September 2012.

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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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings shall be formed in the roof slope without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 The new vehicular access to the proposed site shall be laid out to provide pedestrian visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

These splays shall be:-

2 metres by 2 metres on each side of the proposed access.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: If the proposed hardstanding exceeds 5 square metres it should be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- 6 INFORMATIVE: The applicant is advised to contact the Coastal Team, Community and Economic Development, Communities and Infrastructure Directorate, Centenary House, Durrington Lane, Durrington, Worthing, West Sussex, BN13 2QB to obtain a licence for the site access works.
- 7 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

THE NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 8 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.