

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

REF NO: P/93/13/

LOCATION: 32 St Thomas Drive
Pagham

PROPOSAL: Ground floor side extension following demolition of existing conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the demolition of an existing conservatory which measures 4 metres x 3.6m x 3.6m (w x b x h) and its replacement with a brick built extension measuring 3.5m x 5.1m x 4m.
SITE AREA	637square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundaries of the property are open to the east and a 1.0m tall fence on the west. The western fence rises to 1.8metres tall to the side of the property. The southern and eastern boundaries comprise a 1.8 metre tall closed board fence.
SITE CHARACTERISTICS	The site is located on a corner plot in St Thomas Drive affording the property a large triangular shaped garden which is significantly wider at the southern end. The site is occupied by a detached bungalow with a side garage. There is an existing flat roofed extension on the southern side of the home and a conservatory on the western elevation.
CHARACTER OF LOCALITY	St Thomas Drive is characterised by single storey detached and semi-detached dwellings of similar style and design. A number of properties show evidence of extensions and alterations.

RELEVANT SITE HISTORY

P/98/01/	Ground floor rear extension and side conservatory	ApproveConditionally 23-11-2001
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No comments

REPRESENTATIONS

Representations received:

Pagham Parish Council

- No objections

Comments on Representations received:

No comments

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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

The proposed development is located within the built up area boundary where the principle of development is considered acceptable subject to normal development control criteria.

The application proposes to remove the existing side conservatory and replace it with a side extension.

The proposed extension is considered appropriate within the context of the dwelling and the surrounding plot. All the materials are proposed to match the host dwelling and the development will have pitched roof to match the existing roof. These aid the proposals visual integration and will ensure it sympathetically relates to the host dwelling.

Adequate distances are maintained between the proposal and neighbouring dwellings. This precludes any adverse overbearing or overshadowing effect.

Overall, the proposal is in keeping in terms of site design, scale and character, and would not cause demonstrable harm to the residential amenity of neighbouring properties. It is therefore recommended that this application is approved, subject to the conditions set out below.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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.

As a neutral impact has been identified, no mitigation is considered necessary.

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:

PBTD/913/1
PBTD/913/2

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof 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.