

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** Y/14/13/**LOCATION:** Bilsham House
Bilsham Road
Yapton Arundel**PROPOSAL:** Rebuild garage and rear extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed garage/utility and shower room extension measures approximately 3.6m in width, depth of 6.6m with a maximum height of 3.15m. The proposed rear extension measures approximately 7m in width, depth of 4.3m and a maximum height of 3.6m.	
SITE AREA	Approximately 444 square metres.	
RESIDENTIAL DEVELOPMENT DEN	N/A	
TOPOGRAPHY	Uphill from road.	
TREES	None affected by the proposed development.	
BOUNDARY TREATMENT	Front has wall + hedging, south side has close boarded fencing + hedging approximately 1.8m in height, north side boundary has elevation of extension + close boarded fencing + trellis approximately 1.5m in height, rear has hedging approximately 2m in height.	
SITE CHARACTERISTICS	Detached two storey property with attached garage on southern side, rear extension (both of which are to be removed). The property has brown brickwork, white window framed with a tiled roof. Wooden summer house in rear garden.	
CHARACTER OF LOCALITY	Residential road comprising a mixture of properties and flats of various styles and designs.	

RELEVANT SITE HISTORY

Y/38/00/	Single storey extension to side elevation & rebuilding of store	Approve Conditionally 27-09-2000
Y/10/50	Extension to kitchen	Permit'd Devel 26-09-1950

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection

Comments on Representations received:

None.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

We request that should this application receive planning approval an informative is attached requesting that a formal application for connection to the public sewerage system be required to service this development.

Comments on Consultation responses:

Southern Water comments noted

If approved, an informative will be imposed on any decision.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class B 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

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 which was adopted in 2003.

Paragraph 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 formally 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 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 application seeks to demolish the existing rear extension/store and attached garage which is sited on the southern side of the dwelling.

The existing garage with attached lean-to on the rear has a flat roof and is sited approximately 2.5m from the southern side boundary and the proposed garage which will also comprise a utility and shower room has a hipped roof and will be sited approximately 1.5m away with a height of 3.2m which is 0.9m higher than the existing structure.

The existing rear extension and store has a flat roof and part hipped roof and the proposed extension will be the same depth as the existing 4.3m with a width of 7m. The existing store is set forward of the side wall of the dwelling but the proposed extension will be set in line with the north flank wall of the dwellinghouse and will be higher than the existing structure with a height of 3.6m. To provide for additional light into the kitchen/dining area three roof lights are proposed. The extension in view of its size and height is considered to be visually subservient to the host dwelling and an improvement on the existing structures.

With regard to residential amenity the neighbouring property to the south Willoughby has a pitched roof extension on the rear of the dwelling and is sited approximately 5m away. The chalet property to the north Westdene has a single storey extension on the south side elevation of the dwelling and a garage that is sited to the boundary with Bilsham House and in view of its rear projection the proposed extension will be partially obscured by this structure. With the absence of windows on the side elevations of the extension it is not considered that the proposal would harm the occupiers of Westdene or Willoughby by way of overbearing affect and loss of outlook.

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: Location 1:1250, Site 1:200, Block 1:500, Proposed Floor, Proposed Elevations 1:50 received on 28th March 2013.

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 external walls and roofs of the extensions 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:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House. 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688) or www.southernwater.co.uk.

- 5 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

report

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

NATIONAL POLICIES: 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.

- 6 **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.