

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** Y/49/12/**LOCATION:** Bet-Na
Bilsham Road
Yapton**PROPOSAL:** Rear single storey conservatory**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed single storey conservatory extension measures approximately 8.7m in width, maximum depth of 6.3m with a maximum height of 3.2m.
SITE AREA	Approximately 0.12 hectare.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary has fencing + hedging over 2m in height, north side boundary part close boarded fencing and wall approximately 1.8m in height, south side boundary hedging over 2.5m in height.
SITE CHARACTERISTICS	Detached two storey property with balcony on rear. The property has a mixture of brick, pebbledash and tile hanging, tiled roof with white window frames.
CHARACTER OF LOCALITY	Main road with a mixture of residential properties and flats of various styles and designs.

RELEVANT SITE HISTORY

Y/97/89	Conversion of garage to study and new garage.	Approve Conditionally 12-02-1990
Y/54/03/	Side annexe	Approve Conditionally 06-10-2003
Y/3/04/	Detached garage	Inc Docs Ret'nd 11-02-2004
Y/12/79	2 storey extension for bathroom bedroom first floor kitchen utility room and garage ground floor	Approve Conditionally 21-03-1979

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water Planning

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site. We request that should this receive formal planning approval and informative is attached to the consent regarding connection to the public sewerage system.

Comments on Consultation responses:

Comments noted

If approved, an informative will be attached to any consent.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

No Public Sewer

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 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 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 single storey conservatory extension is to be sited on the rear of the dwelling on the southern side adjacent to the kitchen and sitting room.

The conservatory will measure approximately 8.7m in width, maximum depth of 6.3m with a height of 3.2m. It will be constructed on a dwarf brick wall with white PVC framed double glazed units and a polycarbonate roof. The proposed extension is of an acceptable size and height that is considered to be visually subservient to the host dwelling.

With regard to residential amenity, to the north of the site is the parking area allocated to Bilsham Court flats. The neighbouring property to the south 'Mayflower' is sited approximately 7m away from the proposal. With dense hedging along this southern side boundary and its single storey height it is not considered that this would harm the occupiers by way of overbearing affect or loss of outlook.

The proposal being sited to the rear will not be visible within the street, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended that the application be approved, subject to conditions.

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 (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 1:1250, Block 1:500, Proposed Floor 1:50 Proposed Elevations 1:100, Proposed Roof 1:500 received on 18th October 2012.

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 **INFORMATIVE:** Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer 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.

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

SUMMARY

Y/49/12/

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.