Recommendation Report for Planning Permission

REF NO: FG/112/20/PL

LOCATION: 10 Oval Waye
Ferring
BN12 5RA

PROPOSAL: Variation of condition 2-plans condition following FG/124/19/HH. This application is not CIL Liable (Zero Rated) as no increase in floor area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary Condition 2 of previous application FG/124/19/HH, to change the approved plans to include two additional dormer windows on the Northern roof slope.
SITE AREA	N/A.
BOUNDARY TREATMENT	The site is open plan to its front elevation.
SITE CHARACTERISTICS	The site is populated by a detached bungalow.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/93/20/NMA	Non material amendment following grant of FG/124/19/HH to replace 2 roof light windows with dormer roof windows to match the existing dormer roof window granted.	Refused 14-09-20
FG/124/19/HH	Rear 1.5 storey extension and front first floor roof extension	ApproveConditionally 06-12-19

Noted.

REPRESENTATIONS

Parish Council - No comment.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

Ferring Neighbourhood Plan 2014 Policy 1A — A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 is not considered to result in any significantly harmful impact upon the character of the host dwelling, or its locality. Furthermore, it is not considered to result in a harmful impact upon the residential amenities of neighbouring dwellings.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposal seeks to amend a condition relating to the approved plans of a previous approval in order to allow for two additional dormer windows can be constructed on the Northern roof slope of the host dwelling. Consideration of this application is limited to potential for impact upon the character of the host dwelling, and its locality. Additionally, the residential amenities of neighbouring dwellings.

DESIGN AND VISUAL AMENITY

Due to the siting of the proposed dormers there is not considered to be a harmful impact upon the character of the locality, as limited views will be available because they will be sited behind the approved dormer when viewed from the street scene. Furthermore, due to the design of the dormers and their scale they are considered to appear well integrated with the host dwelling, and subservient to its built form. As such, it is considered to remain in accordance with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overbearing or overshadowing impact upon the occupiers of nearby dwellings. This is due to its siting, and its modest scale. It is noted that in order to prevent a loss of privacy to the occupiers of the neighbouring dwelling, the dormer windows will be obscure glazed, therefore, a condition will be imposed to ensure that this is retained in perpetuity. As such, it is considered to remain in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The application is considered to be in accordance with the relevant policies in the Development Plan, and therefore should be approved, subject to the following conditions.

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 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

In assessing this proposal the following impacts 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location and Block Plan - D 0920/453/01 - 15/09/2020
- First Floor Plan - D 0920/453/02 - 15/09/2020
- Proposed Elevations - D 0920/453/04 - 15/09/2020
- Proposed Roof Plan - D 0920/453/03 - 15/09/2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

2 The dormer windows on the Northern elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening, below 1.7m from internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

3 INFORMATIVE: This permission relates to the variation of Condition 2 of planning application FG/124/19/HH, in that it has been superseded by Condition 1 of this application. The applicant is advised and reminded that the planning conditions attached to the original permission, FG/124/19/HH, remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning application.

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.