

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

REF NO: FG/115/13/

LOCATION: 140 Littlehampton Road
Ferring

PROPOSAL: Demolish existing garage and build new two storey side and rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The rear extension measures approximately 15.5m in length, approximately 7m in depth and approximately 9m in height. The side extension measures approximately 16m in length, approximately 5.5m in depth and approximately 9m in height. Materials to match existing.
SITE AREA	Approximately 2000 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To front, conifer hedging at over 2m in height. The rear boundaries consist of a mixture of hedging and trees commonly over 1.5m in height.
SITE CHARACTERISTICS	A two storey detached property with brickwork elevations painted white. The roof is hipped with plain tiles. There are two bay windows to front at ground floor and first floor level.
CHARACTER OF LOCALITY	Predominantly residential in character, there are two storey detached properties set in spacious plots and situated at some distance away from the road.

RELEVANT SITE HISTORY

FG/126/06/	Outline application for demolition of 3 no. existing houses. Development of 14 no. new semi-detached & detached 3,4,& 5 bedroom houses (Resubmission following FG/55/06)	Refused 01-12-2006 Appeal: Dismissed 10 10 2007
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REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

None.

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](#)
[GEN7](#)
[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

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.

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks permission for a two storey rear and side extension. These will not be visually subservient to the host property since they increase the footprint of the original property by approximately 148.5%. Despite this conflict with Local Plan policy DEV19(ii), the extensions are considered to relate sympathetically with the property and as such can overcome this policy departure. Specifically, the extensions will have a ridge height and pitch angle to match the original and the double pitch roof will break up the bulk and mass when viewed from the side (east). whilst distances to neighbouring properties boundary will be decreased it will be similar to some of those elsewhere in the street. The extensions will also match existing materials to ensure good visual integration with the dwelling. Due to the property being well screened by dense hedging to front and set back at a considerable distance from the road, the proposed extensions will not be prominent in the street scene. It is therefore considered that the extensions are acceptable in design terms and complies with policies GEN7(ii) and DEV19(i) of the Local Plan.

RESIDENTIAL AMENITY

Given the spacious plot size, these extensions can be accommodated without causing any harmful residential effects by way of overbearing, overshadowing, overlooking or loss of privacy. A respectful 2m separation distance is retained to the eastern boundary it shares with Number 142 Littlehampton Road. This distance, together with hedging along the boundary, are considered sufficient to accommodate this proposal and not cause any unneighbourly effects. This is particularly since there are no windows in the flank wall at first floor level or in the roof slope of 142 Littlehampton Road facing on to the proposal and so prevents overlooking. A condition is recommended to retain control in this respect. Other distances to boundaries are more generous including 4m to the western boundary and over 30m to the rear (south) boundary to ensure that these extensions are acceptable in residential amenity terms. The proposal is therefore considered to comply with policies GEN7(v) and DEV19(iii) of the Local Plan.

It is therefore recommended that the application 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 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 plan, Site plan and roof plan, drawing numbers 1 (existing floor plans), 3 (proposed floor plans), 2 (existing elevations) and 4 (proposed elevations), all dated August 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the side and rear extensions hereby permitted shall match in colour and texture to 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 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the east elevation of the side and rear extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 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.