

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

REF NO: FG/117/17/HH

LOCATION: 1 St Malo Close
Ferring

PROPOSAL: Retiling roof & change of eyebrow to 2 velux - Amendments to application
FG/136/16/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is an amendment to planning approval FG/136/16/HH and seeks planning permission for the alteration of the previously approved scheme through the replacement of the eyebrow dormer window with 2 no. roof lights and the alteration of the previously approved roof material.

SITE AREA

Approximately 680 sq. m

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The property has a low wall approximately 0.6m high facing St Malo Close and also facing Sea Lane. To the rear and side there is a 1.8m timber fence and 0.3m high trellis on top.

SITE CHARACTERISTICS

The application site comprises a single storey detached property constructed of brick beneath a tile roof. It is situated on a corner plot at junction of St Malo Close and Sea Lane. The property is roughly rectangular with various single storey additions some with flat roofs and some with pitched roofs into the main roof. The property covers the majority of the plot with amenity space being to the front and side facing St Malo Close and Sea Drive respectively. To the rear there is approximately a 1m path way between the house and the boundary with 102 Sea Lane. On the west side is the single storey garage and patio area. Also to the west there is a vehicular access to the property 102 Sea Lane.

CHARACTER OF LOCALITY

The property is located in an established

residential area close to the sea front. The properties in St Malo Close comprise detached single storey and two storey properties, some properties benefit from similar roof changes to provide a chalet bungalow design. On Sea Lane the properties are two storey. The wider area has a mix of dwelling sizes and designs although many have large plots.

RELEVANT SITE HISTORY

FG/136/16/HH	Enlargement of porch & garage & loft conversion with alterations to roof & chimney.	Approve Conditionally 14-11-2016
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Planning permission was previously granted under reference FG/136/16/HH for the redesign of the roof which will lead to an increase in the overall height to 6m an increase of approximately 0.4m. Extensions to the front porch area the resultant extension measuring 5.1m wide, m high and 4m deep (max to set back of front elevation). Enlargement of the garage by 2m deep, width and height is unchanged being approximately 3.1m wide and 3.4m high. A canopy is placed over the existing rear set back in the building. The original submission included roof terraces on the rear and the side however the rear roof terrace has been removed and the scheme amended. The materials would match the existing. The development is to provide an annex type accommodation for parents but the property is not permanently subdivided.

REPRESENTATIONS

Representations received:

None received.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
 GEN2
 GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to

Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Ferring Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

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

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 and DEV19 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The majority of the works proposed in this application were previously approved under planning reference FG/136/16/HH and as such are deemed to accord with policies DEV19(i), (ii) and GEN7(ii) of the Arun District Local Plan.

However, this application seeks amendments to planning approval FG/136/16/HH through the replacement of the previously approved dormer window on the southern elevation with 2 no. roof lights the replacement existing 'green' roof tiles replaced with Eternit Mixed Brindled Tiles.

The proposed roof lights on the primary elevation are not considered to give rise to any unacceptably adverse harm to the character of the host dwelling or the wider locality. Similarly, it is considered that the proposed roof tiles will be similar in appearance to the majority of those present on neighbouring properties within the immediate locality of the site. Therefore, it is considered that the proposed amendments to the previously approved scheme will not adversely

impact upon the visual amenity of the locality in accordance with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed alterations to the roof materials and the replacement of the dormer window on the primary elevation with roof lights are not considered to give rise to any unacceptably adverse overlooking, overbearing or overshadowing impacts upon the residential amenity of neighbouring properties. Therefore, the proposed amendments are considered to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

The conditions previously imposed under planning approval FG/136/16/HH in relation to the protection of residential amenity have been included in this recommendation. However, amendments have been made to Condition 5 to refer to the northern elevation as was stated in the officers report for FG/136/16/HH and an additional condition has been included restricting the installation of new windows on the northern elevation so as to avoid unacceptably adverse overlooking.

Therefore, it is considered that subject to the proposed conditions the proposed development will accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and is recommended for approval subject to the below 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

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 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;

· New layout plans and elevations - IA/E/SP/1006, dated 20th July 2017

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 All the rooflights in the rear (northern) roofslope of the building shall at all times be and remain glazed entirely with obscure glass in perpetuity.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no windows (other than those shown on the plans hereby approved) shall be constructed at first floor level on the northern elevation of the property 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 Notwithstanding plan No.IA/E/SP/1006, dated 20th July 2017, the balcony on the eastern elevation shall not be constructed unless and until details of obscured screening, no less than 1.8m in height, have been submitted for the northern elevation of the proposed balcony and approved by the Local Authority. The screening hereby approved shall be constructed within 1 month of the completion of this development and thereafter permanently retained.

Reason: In order to protect the residential amenities of the occupiers of the neighbouring dwellings in accordance with policies GEN7 and DEV19 of the Arun District Local Plan

- 6 **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.