

Recommendation Report for Planning Permission

REF NO: FG/120/19/PL

LOCATION: 11 Telgarth Road
Ferring
BN12 5PX

PROPOSAL: Application for variation of condition 2 following grant of planning permission FG/179/17/PL relating to approved plans

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary condition 2 of previously approved application FG/179/17/PL and is in part retrospective. The application proposes alterations to this scheme, including: - Omission of high level windows in the side East and West elevations of the 2 storey flat roofed rear extension. - The addition of a 2nd side window adjacent to the main front entrance door in South elevation. The pair of approved centrally located velux windows to the front roof plane are now located separately in a parted position. - Changes to the ground floor North elevation - single pane full length opening serving the kitchen area in place of the approved twin pane full length opening. The adjacent 3 pane full length bi-fold doors in place of the approved 4 pane set. - Changes to the first floor North elevation - Pair of openings, each with an outward opening door with an adjoining top hung outward opening casement window and fixed pane below. 2 No. amended design Juliette balconies to project no more than 15cm from the external face of the cladding to allow for door ventilation only, (in place of a pair of inward opening twin door sets & standard Juliette balconies). These are not yet in situ.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with the side and rear boundaries consisting of a mixture of block walls, close boarded fencing and caged pebbles to a height of approximately 1.8m.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling
CHARACTER OF LOCALITY	The character of the locality is residential and features properties of various designs and styles

RELEVANT SITE HISTORY

FG/137/18/PL	Application for variation of a condition 2 imposed under planning permission FG/180/16/HH relating to approved plans	Refused 25-10-18 Appeal: Dismissed 14-06-19
FG/179/17/PL	Application for variation of Condition No. 2 imposed under FG/180/16/HH to amend the design of the front elevation of the approved extension together with changes to openings on the North, East & West elevations. Resubmission of FG/77/17/PL	ApproveConditionally 07-02-18
FG/77/17/PL	Application for variation of condition 2 imposed under FG/180/16/HH to amend the design of the front elevation of the approved extension.	Refused 07-08-17
FG/180/16/HH	Front & rear extensions & alterations.	ApproveConditionally 04-04-17

Planning permission was previously granted under reference FG/180/16/HH for the construction of a single storey extension forward of the primary elevation and the construction of two storey and single storey rear extensions

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

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 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.

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 Ferring Neighbourhood Plan has been made and the relevant policies considered in 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 not have a detrimental impact on the visual amenities and character of the locality or residential amenities of adjoining properties.

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 application relates to fenestration changes to the approved extensions. The principle of the development has been agreed.

Policy D DM1 sets out 13 design aspects against which applications should be assessed against. These include: Character, Appearance, Impact, Layout, Density and Scale.

Policy D DM4 sets out criteria against which applications relating to extensions and alterations of existing buildings must be assessed. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the Built Up Area Boundary will be supported, subject to accordance with other relevant development plan policies.

DESIGN AND VISUAL AMENITY

The proposed fenestration alterations are in sympathy with the appearance of the host dwelling and would be visually integrated. They would not result in a development that is prominent within the street scene. This aspect of the application is considered to be in accordance with D DM1(2) and D DM4(a) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed alterations are not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon the residential amenity of neighbours.

The application proposes alterations to the fenestration of the property as a whole. The removal of the side windows on the two storey rear extension is considered to reduce potential for loss of privacy to adjacent occupiers. The change in the first floor openings on the rear extension is not considered to result in any significant change in any potential overlooking or loss of privacy to adjacent occupiers. The proposed balconies are still Juliet in style and do not allow for any sitting out. The size height and dimensions of the extensions remain unaltered.

Therefore, the proposed development is deemed to accord with policies D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The application is recommended for approval 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

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
 Site Plan 430.00
 Proposed Ground Floor 430.01
 Proposed First Floor 430.02
 Proposed North & South Elevations 430.03
 Proposed East and West Elevations 430.04
 Proposed/Existing Roof Plans 430.95
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Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 2 **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.