

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

REF NO: FG/122/17/HH

LOCATION: 5 Sea Drive
Ferring

PROPOSAL: Replacement of existing single storey garage & outbuildings with single storey side extension & two storey rear extension - Amendment following FG/178/16/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal is to demolish an existing single storey side extension between the front and rear building lines of the current dwelling and to replace it with;

1) a single storey side extension comprising an attached garage 5.3m by 4m and an extension behind with a length of 13m, width of 5.5 metres narrowing at the front elevation. The garage would have a flat roof 2.6m in height and the rearward side extension would have a height of 3.6m high with a lantern rooflight.

2) a 2 storey rear extension with a hipped roof 4.5 metres in width with a length of 2.5 metres from the rear elevation of the property. The ridge height of the hip roof would be 50 cm lower than the current height of the dwelling house with an eaves level matching the main roof and a ridge level of 7 metres.

The ground floor extension would be set 50 cm from the boundary, 1.4 metres from the neighbours side elevation at 3 Sea Drive. The first floor extension would be 6 metres from the side boundary and 6.7 metres from the neighbours side elevation.

The elevation materials are proposed to match the existing property and the roof will be grey slate tiles which will also be used on the existing house. It is proposed that these would be conditioned since they are not included on the submitted plans.

SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary and side boundary adjacent No.7 has a mature hedge approximately 2m high with an opening for vehicle access at the front, to the side adjacent No.3 there is a boundary wall , approximately 2m high. To the rear the property has mature planting and fencing on the boundary around 2m high
SITE CHARACTERISTICS	Detached two storey dwelling with single storey side garage. The property is set on a spacious plot with a large front garden laid to lawn with an access drive and parking area. To the rear there is a large garden area laid to lawn and two outbuildings
CHARACTER OF LOCALITY	The locality of the site is predominantly residential and features properties of various designs, sizes and styles with a prevalence of extended detached properties. The site is located in close proximity to the seafront.

RELEVANT SITE HISTORY

FG/100/16/HH	Replacement of existing single storey garage & outbuildings with two storey side extension.	Refused 14-09-2016
FG/178/16/HH	Replacement of existing single storey garage & outbuildings with two storey side extension & partial single storey front & rear extensions. Resubmission of FG/100/16/HH	Refused 10-02-2017
FG/9/56	Detached house and garage	Approve 08-02-1956

REPRESENTATIONS

Representations received:

1 Objection - There is no planning notice in place on the property at number 5 sea drive. Is this a new way of doing planning applications in Arun?

1 neutral comment - How will the rear 2 storey extension affect the light to the only window in the neighbouring West facing bedroom, with respect to the 45 degree rule, as it is noted this detail is not shown on the plans.

It is understood that the council uses the 45 degree rule to assess overbearing impact of development on primary habitable room windows, and that if built development encroaches within a 45 degree sight line drawn from the closest habitable room window, then it is considered unacceptable in terms of causing an overbearing impact on the neighbour's window and a loss of light to them.

Without this detail, I am unable to state whether I object to or support the proposal, and given the above, I would assume that the council would be unable to decide whether the proposal should be approved or rejected

Comments on Representations received:

The application has been advertised in accordance with procedure and 3 yellow notices have been displayed.

The proposal does comply with the 45 degree rule. The 2 storey extension is no closer to the neighbouring dwelling than the existing side elevation of the dwelling and the single storey extension is below the level of the first floor windows on the neighbouring property and is the same height as the existing.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
National Planning Policy Framework

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).

There are no policies in the Ferring Neighbourhood Plan considered relevant to this proposal

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 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 the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and D SP1 in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN

The proposal has been amended from that previously refused in FG/178/16/HH in the following ways;

The two storey element of the scheme has been reduced in size so that it now only extends to the rear. The appearance of the extension is now altered within the street scene and therefore the previous report with respect to design has been substantially altered. The proposal would no longer straddle the site at first floor, this prominent and visually harmful feature has been deleted.

The development will no longer result in a significant change to the appearance of the dwelling, The proposed development will in effect provide a resultant dwelling that substantially fills the width of the plot at ground floor level. This is not uncommon along this part of Sea Drive, the existing footprint of No.5 Sea Drive, already has a single storey part to the property. It is also noted that the existing property has a two storey addition on the front elevation of the property. It is considered that when viewed from the road the extension will not appear as an overly dominant feature in the streetscene.

Attempts have been made to reduce the visual impact of the two storey extension and the ridge of the extensions is set down 0.5m below the main house. The property has a spacious garden area and when viewed from the rear this specific aspect of the scheme does appear subordinate to the main house and as such is not harmful to the character and appearance of the area or the property.

RESIDENTIAL AMENITY

This application has removed the 2 storey side extension from the application. The only 2 storey element is now to the rear. It would be sited 6m from the side boundary and is separated by 6.8

metres from the side elevation of 3 Sea Drive rather than a separation distance 2.4 metres as was the case under the previous application.

The blank side wall of the extension is 5.1 metres in height with a sloping hip facing to 7 metres in height and a depth of 2.5 metres which would face the neighbours sole habitable room in a first floor bedroom at 3 Sea Drive. The existing side windows of No.3 were approved in the 2008 permission, which indicate that these windows provide light and outlook to one bedroom and the other to an ensuite bathroom. The latter window was subject to a planning condition that the window should be permanently obscure glazed. Based on a site visit and also the representations from the occupier it appears that both windows provide light to two separate bedrooms and that neither window is obscure glazed. There is no evidence as to whether the window is now lawful or not in planning terms and as such is considered accordingly in this report and accorded appropriate weight. These windows would not lose an unacceptable amount of light and no materially adverse unacceptable loss of outlook or overbearing impact would result given the separation distance of 6.8m metres which is the same distance as the main dwelling between a blank wall and a habitable room window

With regard to impact upon the amenity of adjoining occupiers, it is considered that the proposed extension due to its position will have no impact upon the amenity of occupiers of No.7 Sea Drive.

With regard to overlooking the proposed development does have a side window at first floor level which could lead to an unsatisfactory level of overlooking to the adjoining property's bedrooms. However, this is a secondary window with the window to the front providing the main outlook and light. Therefore, a planning condition to ensure this window is obscure glazed is suggested.

As accepted in the previous application there is no material harm to the amenity of the adjoining occupiers from the single storey part of the scheme given its height design and distance to the boundary.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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 Location and Block 001 revC, Block 010 revE, Proposed Ground Floor Plan 005 revD, Proposed First Floor Plan 006 rev D, Proposed Elevations 007 revF, Proposed Elevations and Sections 008 revF, and Proposed Roof Plan 009 revD.

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor east elevation of the extension hereby permitted which adjoins the side boundary with 3 Sea Drive 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, DEV19 of the Arun District Local Plan.

- 5 The window at first floor level in the east side elevation of the building shall at all times be glazed entirely with obscure glass and fixed shut below 1.7m internal floor height.

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.

- 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.