

Recommendation Report for Planning Permission

REF NO: FG/137/18/PL

LOCATION: 11 Telgarth Road
Ferring
BN12 5PX

PROPOSAL: Application for variation of a condition 2 imposed under planning permission FG/180/16/HH relating to approved plans

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary condition 2 of previously approved application FG/180/16/HH. The applications proposes alterations to this scheme, including: - Two storey element to front porch. - Addition of glass panel to Western side of front door. - Removal of side windows at first floor level of two storey rear extension. - Alterations to the ground floor openings on the rear extension. - Alterations to the first floor openings on the rear extension.
TOPOGRAPHY	Predominantly flat.
TREES	None 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/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

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

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection

The Parish Council object to the revised proposal and considers that the planning condition was imposed on the previous approved application for good reason. Therefore Ferring Parish Council vote to maintain the condition.

Local occupiers - 2 letters of support & 9 letter of objection

Support

- The area is of a mix of designs, with each dwelling having a unique design.
- The dwelling is attractive, and there are other dwellings of a similar nature.
- The proposed dormers are not intrusive.

Objection

- It is of an inappropriate design in the area.
- The front elevation juts out and spoils the look of the road.
- The materials are unsuitable in the locality.
- This does not retain the previous roofline.
- Incongruous and out of keeping with other property.
- Out of proportion with scale of the existing building.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District 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 conflict with relevant Development Plan policies in that it would have a detrimental impact on the visual amenities of the locality, resultant of its adverse impact upon the established character of the surrounding area and the host dwelling.

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 site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 1A of the Ferring Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. 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 addition of a glass panel to the Western side of the front door is considered to complement the appearance of the host dwelling, as the Southern projection would appear more symmetrical 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.

The original approval under reference FG/180/16/HH allowed for the construction of a single storey extension forward of the primary elevation and the construction of two storey and single storey rear extensions. This approval features a single storey infill extension forward of the primary elevation which would extend forward of the primary elevation by approximately 1m with a maximum height of 2.77m.

This application will see this Southern projection altered in that its total height will reach a maximum height of approximately 5.45m. This will result in a two storey extension forward of the primary elevation.

As a result of its design and siting, the proposed development has a significant presence within the street scene, and will have a detrimental impact upon the established character of the host dwelling. This is because the proposal fails to appear well integrated with the host dwelling, resultant of its design and proposed materials, causing it to appear as a prominent and obtrusive feature, both within the street scene, and with regard to the host dwelling.

Additionally, as a result of the significant bulk of the proposal and proximity to the roadside, it is considered that this first floor element appears unduly dominant within the street scene. This impact is exacerbated by the fact that this property is already forward of most dwellings on this part of Telgarth Road and the projecting front extension makes the property even more prominent on the street scene. Therefore, there are clear views of the proposed development from both the East and West, and the proposal is considered to have an unacceptably adverse impact upon the character of the locality.

The proposed development is considered to conflict with policy D DM1(1), (2) and (9) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed extension by virtue of its location forward of the primary elevation is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon the residential amenity of neighbours.

The application proposed 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. Additionally, the views from the ground floor of the rear extension, would be no different from those available from the garden itself if there were no fencing.

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

SUMMARY

The proposed alterations to the front of the property are deemed to conflict with relevant development plan policies including policy 1A of the Ferring Neighbourhood Plan and as such refusal of this application is recommended for the following reason.

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

REFUSE

- 1 The proposed first floor extension due to its choice of materials, significant size and prominent location is considered to have an unacceptable incongruous impact upon the character and appearance of the host dwelling as well as the character of the wider locality in conflict with policies D DM1 (parts 1, 2 & 9) and D DM4 (parts a, b & e) of the Arun Local Plan and policy 1A of the Ferring Neighbourhood 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and

is also willing to provide pre-application advice in respect of any future application for a revised development.