

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

REF NO: FG/157/12/

LOCATION: 2 Langbury Lane
Ferring

PROPOSAL: Two storey rear extension (Resubmission following FG/110/12)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves the alteration of the existing part two storey part single storey rear extension to develop a two storey pitch roof rear extension with new windows to the rear and both side elevations. The proposal also includes the removal of an existing lean to and store on the western side of the property.
SITE AREA	723 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Wholly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front (southern boundary) is distinguished by a mature hedgerow and tall trees approximately 8 metres tall. The northern boundary was marked by mature bushes and planting. The eastern boundary separates the site from 1 Ferring Lane and comprises a 1.8 metre tall closed board fence. The western boundary divides the application site from 4 Langbury Lane and is marked by a 1.8 metre tall closed board fence.
SITE CHARACTERISTICS	The site is occupied by a large detached two storey dwelling and garage, with front and rear gardens comprising a mixture of lawn and mature trees.
CHARACTER OF LOCALITY	Residential road with predominantly detached and semi-detached properties of various styles and designs on comfortable plots.

RELEVANT SITE HISTORY

FG/193/87	Waney lap fence with oak uprights sunk in concrete 6 feet high by approximately 40 feet long to be erected inside existing hedge at front of property.	Approve Conditionally 14-12-1987
FG/110/12/	Two storey rear extension	Refused 18-10-2012
FG/3/86	Single-storey rear extension to be used as dining room	Approve Conditionally 10-02-1986

Proposal differs from refused FG-110-12 by changes to fenestration on the rear and eastern elevations and the inclusion of an additional window to the second floor on the western elevation facing No. 4 Langbury Lane which serves a bathroom and is obscure. Changes were made following discussion with Council.

REPRESENTATIONS

Representations received:

Ferring Parish Council

- No objection.

Occupier, 1 Ferring Lane

- Extension would be overbearing and cause loss of daylight and privacy to our adjacent bungalow whilst also being out of character with the existing surrounding properties.

Comments on Representations received:

The proposed extension is located 6m from the shared boundary with No. 1 Ferring Lane and will not result in a material adverse impact to that property in terms of overbearing and loss of daylight. There is a large first floor window in the proposed extension which faces toward No. 1 Ferring Lane, 8m from first floor windows in that property. A condition is recommended requiring obscure glazing, subject to this, it is considered that the privacy impact caused would not be material for residents of No. 1 Ferring Lane.

CONSULTATIONS

Consultations responses received:

None received.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

- Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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

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 and the South East Plan adopted in 2009. It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage

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 materially adverse effect on the residential amenities of the 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

This application seeks approval for a two storey rear extension with pitched roof. The proposal will replace an existing part single storey and part two storey rear extension.

PRINCIPLE OF DEVELOPMENT

The existing property is sited within the defined built up area boundary, therefore the principle of development is acceptable subject to the proposal complying with relevant development plan policies. The area is characterised by various styles of properties including two storey and bungalows, therefore the principle of the proposed two storey extension is considered to be in keeping with the surrounding residential area.

The proposed extension is located to the rear of the property and is not immediately visible from

the street scene.

FORM AND MATERIALS

The proposed new extension is two storeys with a hipped roof, and measures 4.5 metres to eaves level and approximately 7.3 metres to the top of the roof ridge.

The pitch of the roof results in a vertical emphasis which is relieved by the proposed windows.

The extension is red brick at ground floor level and render at first floor. Tiles are to match existing, timber windows and UPVC doors.

RESIDENTIAL AMENITY

The western wall is approximately 1.6 metres from the western property boundary, and approximately 4 metres from No. 4 Langbury's eastern side wall and rear patio. It is not considered that the proposed extension will result in an overbearing effect on No. 4. No privacy impact will occur due to condition requiring obscure first floor window.

No. 1 Ferring Lane is located immediately to the east of the proposal site. The property has its principal elevation onto Ferring Lane and contains a number of habitable rooms to its rear. The separation of the extension from that boundary is 6m which is sufficient. The proposed extension includes a large window on the eastern elevation at first floor level which is conditioned to be obscured. This window is situated approximately 8 metres from the rear elevation of 1 Ferring Lane. The proposed window will not be detrimental to the residential amenity of the residents of No. 1 Ferring Lane.

CONCLUSION

The proposal is for a large two storey extension that is not out of character with the area. The proposal complies with GEN7 and DEV19 as set out above and is recommended for approval subject to 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 for respect 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: 1257/P01 Revision B and 1257/P02 Revision A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture 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 The windows on the eastern and western elevations at first floor levels must be obscure glazed to a height of 1.7m above finished floor level.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons

appear in the Officer report.

- 6 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.