

Recommendation Report for Prior Notification for Householder Extension

REF NO: FG/157/17/PDH

LOCATION: 43 Langbury Lane
Ferring

PROPOSAL: Notification under extended permitted development rights for single storey pitched roof extension extending 5m from the original rear wall of the dwelling house, 3.7m high with an eaves height of 2.5m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Notification under extended permitted development rights for the construction of a single storey pitched roofed extension to the rear of the existing dwelling measuring 5 m in depth, 5.55 metres in width, with a pitched roof height of 3.7m and an eaves height of 2.5m.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1m high fencing and gate on site frontage .
Fencing to side boundary

SITE CHARACTERISTICS

A flat site with no trees affected . It is a two storey semi detached house with a hard surfaced front garden area and sloping roofed extension to the side elevation. Adjoining dwelling has parking to side boundary. The property is located in a residential area

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Objection from the neighbouring semi detached property to the south of the applicant's property on the following grounds;

- 1) Uncertainty over height.
- 2) Roof would be 3.7m, higher than the existing conservatory and would overshadow garden.
- 3) The eaves height is a further 2.5m higher.

Comments on Representations received:

The plans of the proposal are drawn to scale and are referred to on the forms. The roof is 3.7m to ridge and 2.5m to eaves. It is not considered that any loss of light to the adjoining

garden to the south would result in material harm.

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:](#) GEN7

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

The Form of New Development

D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design

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 and is 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.

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 taken 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. The examination was completed in September 2017.

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. 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 Ferring Neighbourhood Plan which are considered relevant to this application

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The advice set down in the Town and Country Planning (General Permitted Development) (England) Order 2015 requires the local planning authority, when considering the impact of the proposal, take account of any representations received and consider the amenity of all adjoining premises.

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 relates to a single storey rear extension to be attached to the rear wall of the property under Prior Notification otherwise known as "Extended Permitted Development Rights". The Town and Country Planning (General Permitted Development)(England) Order 2015, at Schedule 2, Part 1, A.4(7) and (9) states that the local planning authority shall take account of any representations received and consider the amenity of all adjoining premises.

The proposed extension will measure 5m in depth, 5.55 metres in width, 3.7m in height to ridge with an eaves height of 2.5m.

The impact of the design is not considered to have a significant impact on the character of the area as it is located to the rear of the property. It would be acceptable with regard to design and have an insignificant impact on the street scene. It is therefore considered to accord with policy GEN 7 and DEV 19 of the Arun District Council Local Plan with respect to design and appearance.

The proposed extension would take some light and have a degree of an overbearing impact from the ground floor windows and in particular the dining room window of the neighbouring rear semi detached property 41 Langbury Lane at ground floor level and it would breach the 45 degree rule which the Council uses to assess impacts of extensions on neighbouring properties. A

45 degree line is drawn from the centre of the closest window to the extension and usually built form is not permitted beyond the 45 degree line to avoid adverse impacts in terms of loss of light and overbearing impact. However this neighbour has not objected.

However, what needs to be considered is what could be built by the applicant without the need for planning permission and whether the extra amount of development proposed above this is unacceptable. Under Class A & Class E of the Town and Country Planning (General Permitted Development) Order 2015 as amended (GDPO). Under section f) of Class A of the GDPO a rear flat roofed extension of up to 3 metres in length up to 4 metres in height could be constructed, Further to this under Class A a building 2.5 metre in height could be built along the boundary with 41 Langbury Lane.

The proposed extension would only be 2.5m in height, 0.5m from the northern boundary and 1.5m from the southern boundary and thus would have the same impact for the first 3 metres of extension as could be constructed under the GDPO. The final 2.5m metres would be the same height as would be permitted under Class E (outbuildings) of the GDPO which allows for 'sheds' up to 2.5 metres in height along the boundary.

For the above reason it is not considered that the proposed extension would have a significant impact on residential amenity over and above what could be constructed by the applicant under the GDPO without permission or prior approval and therefore the impact of the proposed extension is considered to be acceptable and to accord with policies DEV 19 and GEN 7 of the Arun District Local Plan in relation to residential amenity.

Therefore, the proposal is considered acceptable and no objection is raised in relation to the proposed development.

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

NO OBJECTION

- 1 INFORMATIVE: For the avoidance of doubt the approved details are the following plan:
Proposed Extension 6617:1.