

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

REF NO: FG/163/12/

LOCATION: 18 Elm Park
Ferring

PROPOSAL: Two storey extension and alterations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for demolition of an existing conservatory at the rear of the dwelling and construction of a rear extension measuring 8.6m wide x 6m deep x 5.95m high. Dormer on northern (side) elevation 5.6m wide x 1.7m high, dormer on eastern (front) elevation 1.6m wide x 2m high. Installation of three rooflights on southern elevation. Removal of chimney. Extension comprises kitchen, bath and utility room on ground floor and two bedrooms and one bath on first floor.
SITE AREA	504sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m high timber and lattice fence to north (No. 16) and rear and part timber part blockwork fence to south (No.20). Low fence to street boundary.
SITE CHARACTERISTICS	Application site is a single storey detached bungalow with parking in forecourt and small outbuilding at rear.
CHARACTER OF LOCALITY	Adjoining properties are detached bungalows, many of which have been extended to the rear and first floor.

RELEVANT SITE HISTORY

Nil

REPRESENTATIONS

Representations received:

Ferring Parish Council

- Objection. Too large, overbearing and overlooks adjacent properties. Adds to lack of affordable housing in Ferring.

Comments on Representations received:

-The size of the proposed side dormer is characteristic of surrounding properties and will not result in an adverse amenity impact in terms of overlooking and overbearing to adjoining properties. The rear extension is characteristic also and 3m shorter than the existing rear extension at No. 20 Elm Park.

- The need for affordable housing is noted, however the current dwelling has only two bedrooms which is inadequate for a family dwelling.

CONSULTATIONS

Consultations responses received:

Nil

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
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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 conflict with Policy DEV19 of the Arun District Local Plan. However, the proposal 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 application site is located within the built up area boundary where the principle of development is acceptable.

POLICY DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

VISUAL IMPACT

The extension sympathetically relates to the existing building in terms of siting, design, form, scale and materials. The bulk of the extension is sited to the rear and is of similar design, form and materials to the existing. The scale is appropriate in relation to the existing dwelling and surrounding properties.

The proposal is to enlarge the single storey dwelling with a rear ground floor and in-roof extension. The ground floor extends the width of the dwelling to a depth of 5.5m and the in-roof extension is served by two dormers. The floor space of the dwelling will be increased from 80.5sqm to 166.8sqm, an increase of 51.7%. The extension is therefore not visually subservient to the host dwelling. However, the surrounding area is characterised by similar bungalows which have large rear and in-roof extensions. The existing dwelling is smaller than adjoining properties.

The proposed side dormer is an appropriate size relative to the roof plane in which it is located, is set back as far as possible from the street elevation and is characteristic of other dwellings in the vicinity. Proposed front dormer is similar to existing front dormers at Nos. 20, 22 and 56 Elm Park. Dormer is subservient to the front elevation and is well proportioned and located in relation to the front roof plane and set down 300mm from the ridge and up 1100mm from the eaves.

NEIGHBOUR IMPACT

Due to the setbacks and pitch of the roof no adverse overshadowing will occur. Extension is set in 1.4m from southern boundary, 2.1m from northern boundary and 20m from western (rear) boundary.

The south facing first floor openings are rooflights and no unacceptable privacy impact will occur to adjoining residents at No. 20 Elm Park. The north facing first floor openings will generally look

onto the roof of No. 16 Elm Park and not directly into any openings. Separation to the rear is 20m from the proposed bedroom window to the boundary with Westbury, Ferring Street. The front dormer window faces onto the street and is 28m from front elevation of No. 52 Elm Park. No adverse privacy impacts will therefore occur. The first floor is set in 3m from the south and 3.3m from the north boundary and is not considered to result in an adverse impact in terms of overbearing.

Majority of surrounding properties have existing extensions to the rear and in the roof. Adequate characteristic setbacks are proposed from all boundaries. The extension does not compromise the character of the street.

Proposal is considered acceptable in regard to this policy.

SUMMARY

The proposal is not visually subservient to the host dwelling and is in conflict with policy DEV19 ii. However, in this instance, the proposal is considered to preserve the established character and visual amenities of the area, by extending a small dwelling to a size comparable with surrounding residential development. The proposal is not considered to have a materially adverse impact on residential amenities of neighbouring properties. The proposal is therefore considered to be acceptable 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 to respect for 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 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: 2012.bf.01.01, 2012.bf.02.02, 2012.bf.02.03, 2012.bf.02.04, 2012.bf.02.06, 2012.bf.02.07, 2012.bf.02.08 and 2012.bf.02.09 all dated October 2012 and 2012.bf.02.10 Rev A dated November 2012.

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 extensions 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 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy 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.