

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

REF NO: FG/166/12/

LOCATION: 21 West Drive
Ferring

PROPOSAL: Rear single storey extension & first floor extension over existing single storey structure at rear of property, driveway enlarged.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of second storey for bedroom and ensuite over existing ground floor extension measuring 5.4m wide x 5.8m deep x 4.6m high (eaves), 7.3m high (ridge). Construction of single storey extension at rear of existing extension for garden room measuring 4.4m wide x 2.9m deep x height 2.3m (eaves), 3.3m (ridge). Construction of a single storey extension from rear of original dwelling comprising kitchen and utility room measuring 7.2m wide x 5.6m deep x height 2.3m (eaves), 3.3m (ridge). Two roof lights on single storey rear extension. Materials are painted roughcast render, tiles and UPVC to match existing. New second crossover and extend driveway.
SITE AREA	Approx 850sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m timber fence to north boundary behind front building line. 2m hedge to southern and eastern (rear) boundaries. Low fences to western (front) and northern boundary forward of building line.
SITE CHARACTERISTICS	Application site contains a two storey detached dwelling, cream roughcast render with a tile roof and brown UPVC windows. Incorporated garage. Large rear garden.
CHARACTER OF LOCALITY	Site is surrounded by similar dwellings with large gardens.

RELEVANT SITE HISTORY

Site history prior to 1988 only, none relevant.

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None

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 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 boundary and the design is of a good quality not adversely impacting surrounding properties. Acceptable in principle.

GEN7 FORM OF NEW DEVELOPMENT

Proposal responds to site constraints and will not adversely impact on amenity.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

The proposed extension relates well to the existing building. The proposals are appropriately sited to the rear of the dwelling, do not exceed existing ridge heights and are not visible from the street. The design, form and materials are in keeping with the existing dwelling. The extension is visually subservient to the main dwelling.

The extension will cast shadow generally onto the application site and not any significant shadowing to adjoining properties. The proposed first floor is set back 2.5m from the side boundary and 10.5m from the nearest dwelling at No. 25. The window in the southern side elevation of the first floor is obscure and serves a bathroom. The door in the northern side elevation serves the utility room and is not a main entrance and will be generally obscured by the existing fence. All other windows face onto the rear garden which is 31m deep. No significant impact to the amenity of adjoining properties will occur.

Proposal will maintains the spatial character of the street.

Compliant with Policy DEV19 in this instance.

SUMMARY

The proposal is acceptable in regard to relevant policies 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

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: Existing Ground Floor Plan, Existing First Floor Plan, DJ1112-1 and DJ1112-2.

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 **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.

- 5 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.