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

REF NO: **FG/169/14/HH**

LOCATION: 265 Goring Way
Ferring

PROPOSAL: Demolition of existing conservatory, utility room & chimney stack & construction of new single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Originally the proposal was for a rear extension 10m wide, 6m deep, 3m high with a flat roof. It was then amended to reduce the depth to 3m and converting the garage to habitable accommodation (bedroom).
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open plan to front. 1m timber fencing to rear south and 2m to rear north.
SITE CHARACTERISTICS	Semi detached bungalow with integral garage.
CHARACTER OF LOCALITY	Residential street of bungalows.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:
Ferring Parish Council
No objection.

1 letter of objection
A 6m long and 3m high extension would be overbearing and overshadowing. Together with a similar extension in 269 Goring Way this would create the feeling of being hemmed in.

Objection retracted following submission of revised plans.

Comments on Representations received:
Noted.

CONSULTATIONS

Consultations responses received:
None

Comments on Consultation responses:
None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton & Ferring.

In so far as the Ferring NP is concerned the following policy applies:- Policy 1A Spatial Plan for the Parish. The Neighbourhood Plan defines the built up area boundary of Ferring village, as shown on the Proposals Map. Proposals for development located inside the built up area

boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

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 situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19. Ferring NP policy 1A Spatial Plan for the Parish is also of significant weight now that the plan has been made.

GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area. Whilst, DEV19 requires extensions to existing residential buildings to be sympathetic in relation to the existing building in siting, design, form, scale and materials; subservient to the main building; and to not cause any overshadowing, overlooking or overbearing effects upon neighbouring properties.

DESIGN AND VISUAL AMENITY
The proposed rear extension will at its southern section be no higher and 3m shorter than the neighbouring rear extension (number 263 Goring Way) and share the same flat roof design. A rear extension is also present further north at 269 Goring Way. In addition the principle of a rear extension to the same height is set at the site with the existing conservatory which is proposed to be demolished.

The proposed extension in this case is therefore deemed to have been designed sympathetically and visually integrated with the existing building in terms of siting, design, form and scale as well as in keeping with the existing character of the area. As such, the proposal is considered to be in accordance with policies GEN7 (ii) and DEV19 (i), (ii) & (iv) of the Arun District
Local Plan and policy 1A Spatial Plan for the Parish of the Ferring Neighbourhood Plan.

The changes to the front fenestration of the garage proposed to be converted to a bedroom will

be minimal (replacing of garage door with a window and raising of roof to eaves level) and be in keeping with the existing front facade of the site and the rest of the street scene.

RESIDENTIAL AMENITY
To the south the rear extension will be set away from the neighbouring boundary by 1m and overlook the blank wall of the 6m deep extension. There will therefore be no impact on residential amenity in this instance. To the north whilst the extension will abut the neighbouring boundary the majority (66%) of the extension will be screened by a 2m high fence and combined with the fact that it will be only 3m deep the impact on this neighbouring property by way of residential amenity will be limited and acceptable.

Therefore, subject to the following conditions this application is recommended for approval.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (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 neutral 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.

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: GW/Planning/01A,GW/Planning/02A, GW/Planning/03, GW/Planning/04A, GW/Planning/08, GW/Planning/05A,GW/Planning/06, GW/Planning/07A.

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

3 INFORMATIVE: 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.