

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

REF NO: FG/172/17/HH

LOCATION: 5 Sark Gardens
Ferring
BN12 5QB

PROPOSAL: Single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed single storey rear extension measures approximately 3.94m deep, 3.85m wide and 3.4m high with a crown style roof.
	Material would be render beneath a tile roof.
	The extension has already been erected and the application is therefore retrospective
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the property has a timber fence approximately 2m high.
SITE CHARACTERISTICS	The application site comprises a detached chalet bungalow set on a large plot. The property has been subject to alterations including doors and windows
CHARACTER OF LOCALITY	Residential comprising similar style and scale properties non similar sized plots.

RELEVANT SITE HISTORY

FG/66/59	Dormer Window	Approve 22-05-59
FG/107/78	Single Storey Extension At Rear To Enlarge Kitchen And Provide Study	ApproveConditionally 06-09-78

No relevant planning history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response from Ferring Parish Council to date

7 letters of objection have been received and summarised as follows:

- 1.The application only appears to show the ground floor without any bedrooms or revised access to rooms in the roof.
- 2.The extension is built over the existing drains and therefore needs to comply with Southern Water regulations as other properties use the shared drains along that run, access is needed in case of blockages
- 3.The extension is not in brick and should be to reflect no change to existing and match the adjoining property. Brick was the original material.
- 4.Render is out of keeping with area
- 5.The garage was a shared roof and should not have been demolished without permission it should be rebuilt to match the adjoining property. No party wall agreement
- 6.Roof tiles should match the existing.
- 7.To date there is no yellow application notice on view
- 8.Painted render will also cause sun reflection glare into two of our side windows facing the rendered wall.
- 9.Existing September 2017 plans submitted are drawn after modifications to the original building had commenced. External doors and windows had been already removed and replaced.
- 10.Should the applicants name include the word (Sussex)Ltd?

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and the planning considerations are addressed in the conclusions below. However the following comments are made in relation to the points above

1. The applications is only for a single storey rear extension and as such the plans are considered appropriate to assess the proposed development.
2. The situation re drains would be addressed under other regulations.
5. The presence of party wall agreement for other work proposal. Likewise any damage to another property would be civil matter and would not be a material consideration to the current planning application.
7. The site notice was posted on the site on 13 November 2017.
9. Other work and changes are not subject to this application.
10. The applicant's name appears to be correct.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings

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

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	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 taking 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.

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).

The relevant policy in the Ferring Neighbourhood Plan has been taken into account.

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

The application site is situated within the built up area and within established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed extension would be sited to the rear of the property and would not be visible from the road. The proposed extension would be approximately one third of the current rear elevation width of the house. The proposed extension would be sited approximately 3m off the west boundary and 7m off the east boundary. It is considered that the proposed extension would be subordinate to the main house and retains an adequate amount of rear garden, 23m deep. The proposed materials should match the existing property and a suitable condition can be imposed to control this. It is considered that the proposed extension is in keeping with the character and appearance of the host property and is not considered unduly dominant on the property and as such is not considered harmful to character of the wider area.

It is noted that reference has been made to other alterations to the property and changing the materials to the original. These matters are not the subject of the current application. Therefore, this permission does not grant planning permission for these changes nor does it confirm that such changes are lawful. A suitable informative is included on the permission to this effect.

The proposed extension is set in 3m from the boundary with No.4 and 7m from the boundary with No.6

The elevation facing No.4 has no windows proposed and does not lead to a loss of privacy to the occupiers of No.4. Furthermore, given the height and size of the extension it is not considered that the proposed extension will be unduly dominant upon the occupiers of this property either. With regard to the impact on No.6 although there are glazed doors facing No.6 again, given the height of the proposal and the boundary treatment, it is not considered that the proposed development will be harmful to the amenity of the adjoining occupier at No.6 due to loss of privacy or outlook.

It is noted that comments have been made that reflection of sunlight may lead to a loss of amenity however it is not considered that a reason of refusal on this ground could be substantiated.

There are no parking implications arising from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the character and appearance of the host property and the amenity of adjoining occupiers at No.4 and No.6. The proposed development would therefore comply with planning policies in the Arun Local Plan 2003 and the Ferring Neighbourhood Plan.

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

HUMAN RIGHTS ACT

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

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 location plan, site plan, roof plan, existing details01 & proposals 02A.

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 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: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.

- 5 INFORMATIVE: TO clarify the planning permission, notwithstanding details on the planning application this planning permission relates solely to the single storey rear extensions and does not grant planning permission for any other alterations or changes to the property nor does it confirm that such changes are lawful. If confirmation is required for these matters a planning application or an application for a certificate of lawful development should be made to the Council.