

Recommendation Report for Planning Permission

REF NO: FG/172/18/PL

LOCATION: First Floor Flat
9 Ocean Parade
Ferringham Lane
Ferring

PROPOSAL: Change 1 No. window to bi-fold doors & Juliet balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to remove an existing rear elevation triple paned casement window at first floor measuring 1.8 metres in width by 1.2 metres in height, enlarge the aperture and insert a triple pane bi fold door measuring 3.2 metres in width by 2.1 metres in height. The materials of the proposed doors would be white UPVC which would match the existing materials of the white UPVC windows.
SITE AREA	590 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fences to a 15 metre long communal back garden serving a number of flats at the rear of Ocean Parade.
SITE CHARACTERISTICS	A flat above a shop in a modern terraced development with a rear facing lawned communal garden. The property is rendered white to the front elevation and has facing bricks to the rear elevation where the proposed doors are to be installed
CHARACTER OF LOCALITY	A small local shopping parade on a corner plot in a residential area. All of the apartments above the shops in this area have UPVC windows/doors. The rear of the properties face toward residential gardens of 1/2 storey detached dwellings some 15 metres to the south of the applicants terrace.
None relevant	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/a.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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).

Policy 1A of the Ferring Neighbourhood Plan which directs development to within the built up area boundary of Ferring (as is the case with 9 Ocean Parade) is considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 proposed development is located within the built up area boundary of Ferring where development is supported in principle in accordance with policy SD SP2 of the Arun Local Plan and Policy 1A of the Ferring Neighbourhood Plan subject to other relevant policies within the Local Development Plan which in this case include policies D DM1 Aspects of form and design quality and policy D DM4 Extensions and Alterations to existing buildings. The key issues are considered to be design and visual amenity and the residential amenity of neighbouring properties.

DESIGN AND VISUAL AMENITY

There are no alterations to the form of the building proposed. The proposed alteration to a window replacing it with a bi fold door at first floor level would be acceptable in appearance due to the use of matching materials, the positive impact of the proposal on the current bland design of the existing building at the rear and the improvement in living standards in the form of increased daylight, solar gain and expansive outlook from the living room of the host flat as a result. The development is considered sympathetic with the existing building.

The development would not be visible within the street scene and as such would not have any impact on the character, spatial character or visual amenities of the area.

The proposal is considered to accord with policies D DM1 and D DM4 of the Arun Local Plan with respect of design and visual amenity.

RESIDENTIAL AMENITY

The proposed development would not increase the built form and therefore have no impact on daylight and have an insignificant impact on overbearing impact as no neighbouring properties habitable windows face toward the proposed first floor doors within 25 metres.

The only issue could potentially be the loss of privacy to the rear amenity space of no. 2 Ocean Drive which would be overlooked over a 2 metre fence at a minimum distance of 15 metres. It is considered that the rear garden of no.2 is already overlooked by living room windows in the flat and that the proposed doors would not have a significant impact on the privacy of the occupiers dwellers of no. 2 Ocean Drive over and above the existing situation. No objection or comment has been received from

no.2 Ocean Drive following advertisement of the proposal.

For the above reasons the proposed alterations installing bi fold doors is considered to comply with policy D DM4 of the Arun Local Plan with respect to residential amenity.

The proposal is considered to comply with policies of the Arun Local Plan, Ferring Neighbourhood Plan and National policy and guidance and is therefore 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;

Proposed Juliette Balcony - dwg.no. 3 - dated Dec. 18

Proposed Bifold Doors Elevations - dwg.no. 001 - dated Nov 2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan.

- 3 The materials and finishes of the external walls shall be made good with bricks of a similar colour and the new door frames hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun 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.