

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

REF NO: FG/196/21/HH

LOCATION: 9 Telgarth Road
Ferring
BN12 5PX

PROPOSAL: Erection of single storey side infill and rear extension, hip to gable roof extension to include 2 x side dormers, installation of front porch canopy and alterations to fenestration/openings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct front and rear hip to gable roof extensions, two pitched roof dormers and two single storey rear extensions.

RELEVANT SITE HISTORY

FG/151/21/CLP Lawful development certificate for a proposed Hip to gable rear dormer, rooflights, obscured glazing to rear elevation & extension on the east elevation.

FG/70/20/HH Hip to Gable remodel of exiting loft conversion.

Refused
19-08-20

Appeal: Dismissed
04-05-21

REPRESENTATIONS

3 Neighbours Letters - Objection (1 mistakenly recorded as support):

- Same as previous application/appeal.
- Any opening overlooking property will invade privacy.
- Garage no bearing on field of view.
- Scale of enlargement on North side will effectively be 2-storey.
- Loss of sunlight.
- Bathroom window/ North rooflight over-looking south elevation.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, roof extensions should not be visually intrusive or block light into surrounding properties and dormers should be positioned in discreet locations, on the rear of the property wherever possible. In general roof extensions should not detract from the character and appearance of the building and local area.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the Built Up Area Boundary will be supported, subject to accordance with other relevant development plan policies.

DESIGN AND VISUAL AMENITY

This is a resubmission of application FG/70/20/HH which was dismissed at appeal on the 4th May 2021.

The differences between the two applications are minimal. All aspects of the size and scale of the proposed development remain the same, the only difference is that two west facing windows to the proposed pitched roof dormers will be obscured and non-opening below 1.7m above finished floor level (FFL). The two windows in question remain the same size. Additionally it is noted that two rooflights to the proposed bedrooms, 1 north facing and the other south, will be non-openable below 1.7m.

During the first application it was determined that by reason of limited views of the ground-floor extensions, they would appear subservient to the host dwelling and well integrated with its built form;

furthermore, the alterations to the roof although large, due to the varied styles and other additions to the roofscape of surrounding properties and their location back from the primary elevation, the proposal would not have significantly harmful impact upon the character of the area or the host dwelling itself. As the proposal remains the same this reasoning remains unchanged.

Having regard to the design and visual amenity, the proposal is deemed to accord with D DM1 and D DM4 of the Arun Local Plan, Part M Arun Design Guide and policy 1A of the Ferring Neighbourhood Plan.

RESIDENTIAL AMENITIY

Whereas the previous application was refused on grounds that it gave rise to an unacceptable level of overlooking to the property to the west. Due to the addition of obscure glazing and their limited opening, this application gives rise to an unacceptably low level of amenity for the prospective occupiers of the dwelling. Paragraph 130(f) of the NPPF states that development should be afforded "with a high standard of amenity for existing and future users" and policy D DM1 states that design should be adaptable and flexible for current and future occupiers. As there are no other openings to these bedrooms concerns are raised that future users of the bedrooms may find obscured windows oppressive, and as such the conditioning of them to be obscured and non-openable below 1.7m above FFL would be unreasonable.

This view was supported at appeal when the Inspector noted that should obscure glazing be utilised within the make-up of these two west facing windows it "would result in two bedrooms with very limited outlook. This would not result in a high standard of amenity for future users. Consequently, such a condition would be unreasonable."

Comments have been received relating to the rooflights to the two western-facing bedrooms. As a secondary window, the rooflight to the southern elevation will achieve views over Telgarth Road only and does not pose a negative impact to adjoining occupiers. The rooflight within the northern elevation will be fixed shut below 1.7m above FFL and this considered to maintain the privacy of the neighbours to the north.

No other impact from overlooking is foreseen, all other windows are located at first-floor level and serve non-habitable rooms, or, are located at ground-floor level, where it is generally accepted that negative impact from overlooking will not arise.

As noted within the previous application the proposed development is not considered to result in any significant overbearing or overshadowing impact upon the occupiers of neighbouring dwellings, due to the scale of the proposed development, and its separation distance from the neighbouring dwellings.

It is therefore considered by virtue of negative impact to the amenity of occupiers of the dwelling that the proposed extensions conflicts with policy D DM1(2)(15) of the Arun Local Plan and paragraph 130(f) of the NPPF.

SUMMARY

The proposed development is deemed to conflict with the relevant development policies and as such is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The proposed first floor west facing windows, by way of their finish will result in harming the amenity of future occupiers of the property in conflict with policies D DM1(2)(15) of the Arun Local Plan and Paragraph 130 of the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.