

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

REF NO: FG/1/18/HH

LOCATION: 63 Midhurst Drive
Ferring
BN12 5BQ

PROPOSAL: Loft conversion & rear extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to erect a 4m deep extension across the 7.69m width of the rear of this dwelling. The existing roof and ridge line of the dwelling would be continued and a gable formed above the extension. The extended roof area would be utilised to provide for 2 bedrooms and 2 bathrooms. A dormer is also proposed in the east side elevation of the dwelling, partly in the new roof plane and partly in the existing roof plane. The dormer provides additional space for the 2 bathrooms, each of which would have a side facing window. A Juliet type balcony with double doors is proposed in the rear gable at first floor and provides light to the rear bedroom. The extended dwelling would provide 4 bedrooms rather than the present 2.

2 roof lights are proposed in the new proposed west facing roof plane and 1 in the new proposed east facing roof plane. These would provide light to a first floor rear bedroom.

2 new roof lights are shown in the existing west facing roof plane and 1 in the existing east facing roof plane. They would provide light to a first floor front bedroom.

On the west side of the dwelling and adjoining the boundary with no.65, a mock pitch is to be provided in place of the flat roof of the existing single garage. Eaves height will be raised to that of the existing dwelling.

Materials are not specified in detail.

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The boundaries to the front low dwarf wall. To the rear they are a mixture of 2m+ hedging and 2m wooden panel fencing.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow with hipped roof and attached garage with flat roof to the west side. It is constructed of red/brown brick with a red/brown profiled concrete tile roof. To the side and in front of the garage there is parking for 2 to 3 cars, excluding the garage.

CHARACTER OF LOCALITY

The area is a residential one with a mixture of dwelling designs. Dwellings are largely bungalows or chalet type. Adjoining the site to the east is a chalet type dwelling with rooms in the roof. This has a relatively large dormer facing the application dwelling which also has 2 windows facing the site.

To the rear and outside of the application site is Ilex Avenue a bridleway lined with mature Ilex trees.

RELEVANT SITE HISTORY

No site history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council objects on the following grounds:

Ferring Parish Council felt the plans are unclear relating to the proposed window aspects. Parish Councillors raised the concern in relation to the surrounding area and if the proposed loft conversion, particularly on the east side elevation will have an overbearing impact and overlook the neighbouring properties.

21 representations have been received objecting on the following grounds:

1. Visual intrusion and detriment to street scene.
2. Overlarge, inelegant and inappropriate extension. Overdevelopment of the site.
3. Out of character with the area.
4. Loss of a smaller bungalow.
5. Precedent.
6. Detriment to adjoining dwellings and light loss.
7. Negative impact on Ilex Way.
8. Increased traffic form number of people living at the property.
9. Excessive size of extension for the plot.

Goring and Ilex Conservation Group:

Concerned about adverse impact on the amenity of the Ilex Avenue. This forms an important part of the Goring Hall Conservation Area, up to the boundary of Ferring. Believes the extension with its Juliet balcony impinges on the Ilex Avenue due to its bulk and height to the detriment of this local amenity and enjoyment of users. Although replacement of the rear gable with a hipped roof may alleviate the harm to the Avenue, refusal of the present proposal is urged.

Ferring Conservation Group objects on the following grounds:

Ferring conservation group objects to this application on the grounds that it is prejudicial to the interests of the immediate neighbours - dwarfing and overbearing on the bungalow of No. 61 Midhurst Drive. There is also some degree of overlook, with the windows in the roof of the proposed first floor of No. 63. Such a large, two-story building would also have a harmful impact on the historic and beautiful Ilex Avenue immediately to the south, and create a dangerous precedent in the sensitive location.

COMMENTS ON REPRESENTATIONS RECEIVED:

The extension would site within the existing outline of the dwelling, notwithstanding it having a gable rather than a hipped roof and the rear wall of the extension would 10m from the rear boundary of the property. The extension would be separated by a distance to Ilex Avenue such that it would not be overbearing or detrimental to the setting of the Avenue.

Impact on residential amenity and amenity in general are considered within the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

No consultees.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
Within 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 \(October 2014\):](#)

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

[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 taken 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 Main Modifications to the Arun Local Plan (2011-2031) were subject to Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018. The consultation period has now closed.

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.

Ferring has a Made Neighbourhood Development Plan, this is therefore a material planning consideration. Whilst there are no policies relating specifically to the type of development proposed in this application, Policy 1A is relevant and this states that:

The relevant Policy 1A of the Ferring Neighbourhood Plan has been taken into account in the consideration of this application.

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 boundary of the built up area and as such there can be no objection to the principle of development subject to compliance/consistency with development plan policies and all other material considerations.

DESIGN AND VISUAL AMENITY

The proposal is for a 4m deep extension to what is presently a dwelling which is approximately 13m in depth. Given that the extension is at the rear and no higher than the existing dwelling, it will not be prominently visible from the street although it will be seen between existing development on each side. Visual impact is considered to be acceptable by the location to the rear and the extension is not visually intrusive.

The proposed side dormer will face a similar one adjoining to the west and is similar in proportions. It is located towards the rear of the dwelling and would not be unduly intrusive or incongruous under the circumstances.

The proposed roofing of the garage is not considered to result in a harmful impact and would in fact improve the appearance of the dwelling.

The proposed extension is not considered to be unacceptably harmful to the visual amenity of the area and whilst it is not subservient, its location and impact are acceptable in design and visual amenity terms.

In respect of the Ilex Avenue to the rear of the site, the separation remaining between the extended dwelling and the rear boundary remains similar to others in the close locality. The screening of trees along the Avenue would mitigate views from the Avenue to a degree where the visual impact is acceptable. The proposed extension is not therefore considered to result in unacceptable harm to the setting of the Avenue.

It is therefore considered that the extensions/works are acceptable in visual amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

Acceptable separation exists between the subject dwelling and those adjoining. The proposed extension to the rear is not therefore considered to result in unacceptable harmful impact on the amenity of adjoining occupiers nor to be unduly dominant.

In terms of privacy, the bathroom windows in the dormer can be required to be obscure glazed and non-opening in order to prevent privacy loss/overlooking. The roof lights in the extension can be required to be similarly obscure glazed and non-opening to protect amenity.

Given the distance from and the tree screening along Ilex Avenue the rear extension is not considered to have an over dominating impact on the Avenue. In terms of any visual intrusion to the users of this bridleway from the Juliet Balcony and the double doors there is considered to be sufficient screening as to not warrant the imposition of a condition requiring obscure glazing and fixed shutting of the double doors. Government guidance does not allow the use of conditions where they are not considered to be necessary nor reasonable in all other respects (National Planning Policy Guidance paragraph 206). To impose such a condition given the level of tree screening would be in breach of this guidance.

The proposed rear extension does not encroach into the outlook from main windows to the rear of the adjoining dwellings. No.65 to the west is separated from the extension its garage and the garage of the application dwelling. No.61 has a rear conservatory which is set away from the boundary and not affected by the extension. There is a side/rear lean to at no.61, but this is already screened by the existing rear conservatory at the application site and also in line with the main existing rear wall of the application dwelling. This is a narrow lean to and it is not considered that the rear extension results in unacceptably harmful impact upon it.

CONCLUSION

The proposed development will not result in unacceptable impact or harm to visual or residential amenity.

It is therefore recommended that the application be approved, 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 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

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 drawings:

Drawing Number 9 - Proposed Site Plan - Received with Application
Drawing Number 2 - Proposed Ground Floor Plan - Received with Application
Drawing Number 3 - Proposed First Floor Plan - Received with Application
Drawing Number 4 - Proposed Roof Plan - Received with Application
Drawing Number 5 - Proposed Section - Received with Application
Drawing Number 6 - Proposed Section - Received with Application
Drawing Number 8b - Proposed Elevations - Received 02 February 2018

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extensions and alterations, including dormer, have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions and alterations.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The 2 bathroom windows on the east facing elevation of the dormer on the west side of the dwelling hereby permitted shall at all times be glazed with obscured glass and be fixed to be permanently non-opening where they are above 1.7 metres from the finished ground floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 The 4 velux type roof lights in the west and 2 velux type roof light east facing roof planes of the extended dwelling hereby permitted shall at all times be glazed with obscured glass fixed to be permanently non-opening where they are above 1.7m from the finished ground floor level.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings other than those shown on the plans hereby approved shall be formed in the east or west facing roof planes of the rear extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 7 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.