

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

REF NO: FG/202/18/HH

LOCATION: 26 Beehive Lane
Ferring
BN12 5NN

PROPOSAL: Amendments to FG/160/17/HH (Demolition of existing rear conservatory, side garage door & car port & erection of single storey rear extension, side garage with pitched roof, replacement of existing enclosed porch, replacement with timber posts & removal of existing front windows & replacement with faceted windows) to amend roof from pitched to flat. Creation mono-pitch roof over existing garage garage door which is to remain. Existing garage car port roof to be removed and side wall infilled.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a retrospective application for a wraparound rear and side ground floor extension at a detached bungalow in Ferring. A similar scheme was originally approved under FG/160/17/HH however various dimensions and aspects of the scheme have not been constructed in accordance with the approved plans.

The extension for which planning permission is sought in this application has a flat roof 3.05 metres in height, projects 3 metres from the rear of the dwelling and 2.3 metres to the side of the existing dwelling along the side elevation on the east side of the dwelling closest to a similar detached bungalow at 2 Jersey Road

The issue relating to this retrospective application is as follows;

Impact in terms of a loss of daylight/sunlight and overbearing impact upon the side and rear windows of an ensuite bathroom and dressing room in a side extension at 2 Jersey Road.

The key differences in the 2 schemes are as follows;

1) The originally approved scheme had a hipped roof with an eaves level of 2.7 metres and a ridge height of 3.81 metres. The scheme as constructed (and applied for here) has a flat roof height of 3.05 metres.

2) In the original scheme the side extension as approved was set back 0.6 metres from the rear elevation of the main

extension. It therefore only projected 2.4 metres from the rear elevation instead of 3 metres from the rear elevation as constructed (in which there is no set back of side extension from the main extension). The scheme has been 'squared off' on plan view and in roofing detail (see 3) below.

3) The originally approved scheme had a hipped roof shape, pitched down from the ridge at the rear and side. The scheme as constructed has a squared off flat roof the full length of the side and rear elevation.

4) In the original scheme, the side extension was built up to the boundary with 2 Jersey Road . As constructed and shown on the block plan the extension at the rear is set back 0.4 metres from the boundary.

The agent has stated that the built scheme was altered during the construction process due to building control issues and inaccuracies in the original architects plans.

The agents submitted a Non Material Amendment application FG/122/18/NMA on 20th June 2018 which was not registered and they were informed a householder application would be required for the proposed amendments because the amendments could affect residential amenity.

There is a further alteration to the scheme which is that the car port at the front of the side extension has been filled in to form an internal garage however there is no complaint regarding this alteration.

RELEVANT SITE HISTORY

ENF/300/18	Alleged non-compliance with approved plans	
FG/160/17/HH	Demolition of existing rear conservatory, side garage door & car port & erection of single storey rear extension, side garage with pitched roof, replacement of existing enclosed porch, replacement with timber posts & removal of existing front windows & replacement with facettted windows.	ApproveConditionally 18-12-17
FG/122/18/NMA	Application for non-material amendment following a grant of planning permission FG/160/17/HH - changes to roof style & floor plan changes to utility room & garage	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection on the following grounds;

- Scheme as constructed contrary to approved plans and planning conditions in original planning application.
- Adverse impact on overbearing, overshadowing and overlooking impacts on the neighbouring property at 2 Jersey Road.

Neighbour at 2 Jersey Road objections;

- Severe impact on outlook and loss of light to rooms on the west side of the house (dressing room and bathroom).
- Disregard for approved planning permission.

Officer Comment -

1) In the event of alterations to approved schemes occur due to building control issues prior to or during construction the procedure is that a further application is requested for consideration. In this case the neighbour at 2 Jersey Road complained during the construction process (ENF/300/18). At the Planning Enforcement Officers request, a further application for the amended scheme was submitted in order to consider the amended scheme.

2) The additional impact on residential amenity in terms of outlook and loss of daylight/sunlight to the rear and side dressing room windows and side bathroom window at 2 Jersey Road in their side extension adjacent to the boundary with the applicant's property is acknowledged. The issue is whether the impact of this is so substantial that a refusal of the extension as constructed is reasonable and whether or not the development as constructed is contrary to ADC Policy contained within the Arun Local Plan and Ferring Neighbourhood Plan.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within built area boundary

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
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CONCLUSIONS

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be DDM1 and DDM4 of the Arun Local Plan and the National Planning Policy Framework.

Policy 1A of the Ferring Neighbourhood Plan supports development within the built up area boundary. The proposed development complies with this policy which relates to the principle of development within the built up area boundary being acceptable subject to other policies within the Ferring Neighbourhood Plan and the Arun Local Plan

DESIGN AND VISUAL AMENITY

The extension as constructed is considered to be of a good quality of design.

The proposed single storey wrap around extension is considered to appear well integrated with the host dwelling by virtue of its design and the use of materials which match the existing dwellinghouse.

The slight increase in size of the garage to the front of the property, bringing it in line with the front elevation is not considered to negatively impact on the appearance of the dwelling given that the garage replaces an existing car port and the whole front elevation is well setback from the front boundary of the property on Beehive Lane.

The rear element of the proposal by virtue of its siting is not visible within the street scene whilst the proposed side extension by virtue of its scale and design is not considered to have an unacceptably adverse impact upon the established spatial pattern and character of the street scene.

The proposal by virtue of its single storey design and construction is considered to appear subservient to the host dwelling and would not cause any unacceptably adverse harm to the character of the host dwelling and surrounding area and as such the proposed extension is considered to accord with policy DDM1 1), 2) & 14) and DDM4 a),b) & e) of the Arun Local Plan with respect to design and visual amenity.

RESIDENTIAL AMENITY

Policy D DM1 - Aspects of form and design quality part 3) - Impact states that new development should;

have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy D DM4 - Extensions and alterations to existing buildings part c.states that the Council will require that;

The extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;

The only property impacted by the proposed development is 2 Jersey Road on the western boundary of the applicant's property adjacent to the side and rear extension.

The windows impacted upon are 2 side windows (west facing toward the extension) serving a bathroom and a dressing room and a single rear facing window (south) also serving the dressing room. Both rooms are within a side extension to the main bungalow at 2 Jersey Road.

These rooms (bathrooms, dressing rooms) are considered to be secondary habitable rooms and are considered to have a lesser sensitivity to loss of residential amenity (outlook and loss of light) than primary habitable rooms such as living rooms, kitchen/dining rooms and bedrooms where the inhabitants typically spend extended periods of time. The threshold for considering impacts on amenity to be significant and harmful are higher than those of primary habitable rooms.

Privacy

The side and rear extension as constructed does not impact upon the privacy of 2 Jersey Road as there are no windows in the side elevation of the extension.

Overbearing Impact and Daylight and Sunlight

Side bathroom and dressing room windows

It is not considered that the side and rear extension as constructed would have a significantly greater impact on the side windows in terms of an overbearing impact and loss of light than the original scheme approved because the height of the eaves level as constructed would only be 350 cm higher than the eaves level approved given that the rear section of the elevation on the boundary is now set back 40 cm from the boundary and the current scheme does not have a 3.8 metre high ridged roof above it. The overbearing impact caused to the side windows is not significantly altered from the original scheme approved. The two rooms are secondary habitable room windows with the dressing room being a second window to the rear elevation window (see below) and the impact on residential amenity as a whole on them is considered acceptable.

Rear dressing room window

The rear window of the dressing room is considered to be a secondary habitable room window. It is a small room which the occupant would typically use for the storage of clothes and dressing and would not typically spend extended periods of time.

The rear window is subject to an additional overbearing impact caused by a further 0.6 metre extension of the approved side extension rearwards, a 35 cm increase in the eaves level and a squaring off of the flat roof instead of a hipped roof sloping to the side and rear as formerly proposed and permitted.

The outlook of the window is primarily to the rear garden. For a person standing in the dressing room, this has not significantly changed despite a minor incremental addition to the overbearing impact caused. The sunlight lost to the south facing window is restricted to the late afternoon as the new extension is to the west of the rear window. The daylight lost compared to the original scheme is not considered to be sufficient to warrant refusal of the application given the modest 3 metre length of the rear projection, and given marginal increase in size of the scheme as constructed compared to what was originally permitted which is mitigated by the increased setback of the extension from the boundary at the rear.

The Council uses the 45 degree rule as a 'rule of thumb' to assess the impact of built structures on the light levels and overbearing impact caused. The rear extension as constructed now marginally breaches the 45 degree rule (approx. 55 degrees).

It is not however considered that the impact on loss of light and overbearing impact caused by the comparative loss of amenity between the originally approved scheme and that constructed, could be described as adverse or significant such that the scheme as a whole is contrary to policies D DM1 3) and D DM4 c) of the Arun Local Plan.

Summary

Therefore, the proposed development is deemed to accord with policy DDM1 and DDM4 of the Arun District Local Plan and policy 1A of the Ferring Neighbourhood Plan as such is recommended for approval subject to the following 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

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;

- Block Plan - 1231/02 Rev Adated Sep 2017
- Proposed Floor Plans & Elevations - 123 1/03 Rev Adated Sep 2017

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

- 3 The materials and finishes of the external walls of the extensions hereby permitted shall retained to 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.