

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

REF NO: FG/212/21/HH

LOCATION: 2 Barbary Lane
Ferring
BN12 5JB

PROPOSAL: Single storey rear extension with balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the erection of a single storey rear extension with associated balcony on the roof. The proposal is an extension of the existing rear projection that matches the width at approx. 10m and extends approx. 2.8m further to the rear.
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REPRESENTATIONS

Ferring Parish Council - Objection:

- Ferring Parish Council objects to this application due to the extent of the proposed first floor balcony. At only 9.5 metres from the boundary this will create a dominant intrusion overlooking the rear garden of the neighbouring property. Notwithstanding the windows in the existing building, such a large balcony will provide potential for gathering and be considerably nearer to the boundary. This will have an adverse impact the privacy and amenity benefit of the rear garden for residents particularly of the property immediately to the east of the site.

No representations received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

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)
DSP1	D SP1 Design

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:**CONCLUSIONS****PRINCIPLE**

The key policies considered in this application are Policy D DM1 and D DM4 of the Arun Local Plan. Additionally section M of the Arun Design Guide which relates to extensions is of relevance.

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

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 has 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.

DESIGN AND VISUAL AMENITY

The host dwelling is a large detached two storey corner dwelling with an existing rear projection that extends approx. 2.2m to the rear of the property and extends the full width of the host dwelling. The existing rear projection features a flat roof design. The proposal extends this existing rear projection to the rear of the property by approx. 2.8m allowing the flat roof design to incorporate a large first floor balcony. The height of the proposal is approx. 4m at the peak of proposed first floor screening, with a roof height of approx. 3.4m that serves as the first floor balcony floor.

The proposal results in a large overall rear projection that is not visually subservient to the host dwelling. However, the extension incorporates matching materials and some alternative materials with matching colours to those found on the existing dwelling. The proposal is also an extension of existing built form design and as such, the form and visual design are integrated and acceptable. The proposal results in a large overall rear extension that is not considered subservient to the host dwelling, however, the size of the site can host the extension sufficiently.

The proposal reduces the minimum garden retention space to approx. 7m to the northern site boundary. This is lower than the minimum depth set forth by Section G of the Arun Design Guide (10.5m). This is a principle aimed at ensuring sufficient rear private amenity space is retained and in an effort to prevent adverse impacts of neighbouring amenity by way of overlooking. Due to the detached nature of the dwelling and substantial site size, there is sufficient retention of private amenity space surrounding the host dwelling.

The proposal complies with relevant development policies D DM1 and D DM4(a) of the Arun Local Plan

and the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal includes a first floor rear balcony. The proposal gives rise to substantial viewpoints with angles that cover the rear private amenity space of the neighbour dwellings to the north and east of the property (4 Barbary Lane and 4 Clover Lane). The retained distance from the proposal to the northern site boundary is approx. 7m and approx. 9.5m to the eastern site boundary. Both of these distances are below that of the 10.5m rear garden distance minimum set forth by Section G of the Arun Design guide and as such, do give rise to impacts by way of overlooking onto each neighbour dwelling. Due to the proximity of the proposal to the neighbouring site boundaries and resultant viewpoints into neighbouring private amenity space, a condition has been attached to minimise the adverse impacts on neighbouring amenity by way of overlooking.

The separation distances between the proposal and the neighbouring site boundaries is deemed to be sufficient. The proposal does not overbear or overshadow neighbouring properties.

The proposal, with a condition to obscure screen the balcony and prevent overlooking is considered acceptable and complies with the relevant development policies D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is accords with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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:

- EXISTING ADN PROPOSED FLOOR PLANS, ELEVATIONS, ROOF PLANS, SECTION 4521:1
- LOCATION AND BLOCK PLANS 4521/2

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

- 3 The North-West and North-East elevations of the proposed first floor balcony hereby approved shall at all times be screened with an obscured barrier to a minimum height of 1.7m from the balconies finished floor level. The screening shall be retained in perpetuity.

Reason: For avoidance of adverse impacts on neighbouring properties by way of overlooking, so as to remain in accordance with policies D DM1(3) & D DM4(c) 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.