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

REF NO: **FG/213/15/HH**

LOCATION: White Thorne
The Warren
Ferring

PROPOSAL: Rooms in roof, raise ridge & install 4 No. dormers (resubmission following FG/86/15/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission to increase the height of the gable roof by 1.3m and the addition of 4 No. dormer's. 2 No. dormer windows will be located on the east and 2 No. dormer windows on the west of the property.
SITE AREA	Approximately 593 m2.
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected.
BOUNDARY TREATMENT	The front is open to the highway with a 1.8m high close boarded fence located to the side and rear of the dwelling with mature planting.
SITE CHARACTERISTICS	Detached bungalow constructed from brick with grey tiled gable roof.
CHARACTER OF LOCALITY	Predominantly residential consisting of various designs and styles.

RELEVANT SITE HISTORY

FG/87/10/	Two detached bungalows.	Refused 27-08-2010 *Appealed* **Appeal: Dismissed 18 07 2011**
FG/110/11/	Proposed detached bungalow, detached single garage & new landscaping.	App Cond with S106 02-11-2011
FG/86/15/HH	Rooms in roof, raising ridge & installation of 6 No. dormers.	Refused 07-08-2015

Refused application FG/86/15/HH sought permission to increase the ridge and install 6 dormers.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Objection: Although re-application has been scaled back in terms of numbers and design of the dormers the ridge height has been increased by 1.3m. The dormers on the south elevation might give rise to unacceptable overlooking of the adjacent property. It is not in keeping with the surroundings and it would look radically different to neighbouring properties.

Comments on Representations received:

Noted. Impact on street scene is covered in "Conclusions". Concerns regarding overlooking from the dormers on the south could be overcome by conditions requiring non-opening/obscurely glazing.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
PD Restriction
Within built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		D SP1 Design
		SD SP2 Built-Up Area Boundary

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Ferring Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination 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 in the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application will be assessed is in the Local Plan which in this case is policies GEN7 and DEV19.

DESIGN AND VISUAL AMENITY
Refused application (FG/86/15/HH) identified the increase in height of the roof as detrimental to the character and appearance of the dwelling and the street scene contrary to policies GEN7(ii) and DEV19 (i), (ii) & (v) of the Local Plan. The concerns in relation to the proposed ridge height increase were exacerbated by the proposed dormers which were situated approximately 2.4m from the primary elevation of the dwelling. The position of the dormers in conjunction with their design resulted in a dwelling of a bulk, mass and height which was unacceptable.

The proposal has been amended although the increase in height remains unchanged. The number of dormers has reduced from 6 to 4 with them being relocated further back from the primary elevation. The dormers are positioned between 5.48m and 7.2m from the primary elevation of the dwelling. The design of the dormers has been amended with the pitched roofs being removed which has had a significant improvement upon the bulk and mass of the dwelling. The alterations have significantly reduced the cumulative impacts of the proposal, whilst reducing the visibility and impact of the dormer windows on the character of the dwelling and the street scene.

Rooflights are used in lieu of the western most dormers proposed under FG/86/15/HH. These are not considered to have a detrimental impact upon the established character of the area or the host dwelling and accords with GEN7 (ii) and DEV19 (v) of the Arun District Local Plan.

RESIDENTIAL AMENITY
The distance of the host dwelling from the northern elevation and the absence of any residential properties in this location prevents any detrimental overbearing, overlooking or overshadowing impacts on the northern boundary of the application site.

The host dwelling is 1.7m from the southern boundary of the site at its closest point although this section of the dwelling is a flat roofed side extension which is not to be altered. The roof alteration is 4m from the southern boundary and this distance in conjunction with the neighbouring properties distance from the boundary is considered to prevent unacceptable adverse overbearing impacts. Due to the position of the dwelling to the north of Swallows Drift it is considered the increase in roof height will not generate unacceptably adverse overshadowing.

Concerns are raised by the Parish Council regarding potential overlooking which could be generated by the dormers on the south elevation. Whilst it is acknowledged that the south-eastern most dormer has the potential to create unacceptable overlooking of the rear garden of Swallows Drift this can be overcome by condition to obscure glaze the window and make it non opening below a certain height. It is considered that no unacceptable adverse overlooking would be generated by the roof lights and additional dormer on the south elevation with only two small bathroom windows being located on the north elevation of Swallows Drift.

The proposal is not considered to give rise to unacceptable adverse overlooking, overshadowing or overbearing impacts upon residential amenity of neighbouring properties and accords with GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY
The proposal is considered to comply with relevant development plan policies and is recommended for approval 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 for 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 no impacts have been identified upon any 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; Existing and Proposed Elevations - SB/15/314/2/B; Proposed Floor Plans - AB/15/314/1 A; and Proposed Section and Roof Plan - SB/15/314/3 A.

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 The materials and finishes of the roof and dormers of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 No development shall be carried out unless and until a schedule of materials and finishes and samples of the Marley Eternit Cladding to be used for gable ends of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the roof alteration.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

5 The eastern most dormer on the southern elevation of White Thorne shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor level of the room in which the window is installed.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

6 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.