

Recommendation Report for Planning Permission

REF NO: FG/23/12/

LOCATION: 51 Langbury Lane
Ferring

PROPOSAL: Proposed single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	316.32 square metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mixture of 1.8 metre closed board fencing and hedging.
SITE CHARACTERISTICS	The site is occupied by a two storey dwelling with large rear garden set to lawn. Front of the dwelling is parking for two vehicles.
CHARACTER OF LOCALITY	Residential road with a mixture of styles and designs.

RELEVANT SITE HISTORY

No comments

REPRESENTATIONS

Representations received:

Ferring Parish Council- no objection

Comments on Representations received:

No comments

CONSULTATIONS

Consultations responses received:

Environment Agency- Awaited

Comments on Consultation responses:

As the Environment Agency have not responded to the application it is necessary to apply the Environment Agency's Standing advice.

POLICY CONTEXT

Designation applicable to site:
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
------	------------------------------------

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 proposed single storey extension is within the built up area where development is acceptable in principle, subject to normal development control criteria. The proposal is for a single storey ground floor extension. It will extend the existing kitchen outwards and provide a dining room of some 18.5 square metres extra internal floorspace.

RESIDENTIAL AMENITY:

The proposed single storey extension is not considered to result in any significant loss of residential amenity. The proposed extension will mirror a similar extension to the rear of 53 Langbury Lane and will not significantly harm the property to the south 49 Langbury Lane. There are no proposed windows on the side elevations and therefore there are no effects on neighbours by potential increase in overlooking. The new glazed double doors to the rear will not significantly affect residential amenity as it is replacing an existing large window and the existing back to back distances are large enough to maintain sufficient privacy.

VISUAL AMENITY:

The proposed extensions are to the rear of the property and do not result in any visual alterations within the street scene.

FLOOD RISK

The proposed extension is in Floodzone 1. The Environment Agency's Standing Advice has been applied and it is considered that the proposal would be acceptable.

45 DEGREE RULE

On the northern side it is noted that it is likely that the proposed extension will conflict with the 45 degree rule adopted by the Council as a tool in assessing the impact of extensions on the residential amenities of neighbouring properties. However, the amount of development that could be erected to the rear of the property as permitted development would be comparable to that proposed and also exceed this rule.

However, given the single storey nature of the proposed extension, combined with the 2.5 metre high flat roof and existing boundary screening of approximately 1.8 metres in height, it is not considered that the extension would detrimentally harm the residential amenity of the occupiers of the neighbouring property by way of overbearing affect, harmful overshadowing, overlooking or loss of privacy.

HIGHWAY ISSUE:

The proposal does not result in any intensification in the use but extends the existing kitchen and provides some internal layout alterations to improve the facilities for existing users, therefore there are no implications regarding highway issues.

SUMMARY:

The proposed extension will improve facilities for the existing users. There is no significant loss of residential or visual amenities. Therefore it is recommended that the application is approved subject to the conditions included below.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 a neutral impact has 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.

As a neutral impact has been identified, no mitigation measures have been proffered.

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

Drawing 1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof 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 policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.