

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

REF NO: FG/34/21/HH

LOCATION: 50 Ocean Drive
Ferring
BN12 5QP

PROPOSAL: 1st floor side extensions, two storey front extension, side and rear extensions, installation of balcony to rear and 2 x front dormers including demolition of existing garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION 1st floor side extensions, two storey front extension side and rear extensions installation of balcony to the rear and two front dormers including the demolition of the existing garage and re-building of new garage

REPRESENTATIONS

Ferring Parish Council - Objection

- Overbearing presence on its neighbours
- Large first floor balcony will cause a loss of privacy

13 letters of objection making the following points;

- Dominating overbearing effect on neighbouring properties.
- Loss of light to bungalows on northern boundary
- Loss of privacy caused by balcony and windows to rear elevation
- Scheme is not subservient to the existing dwelling
- Overbearing impact on 44a Ocean Drive.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

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)

[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

In this case, the key policies are D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 1A of the Ferring Neighbourhood Development Plan.

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.

D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

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

DESIGN AND VISUAL AMENITY

The proposal is to significantly enlarge the existing property to a double fronted property that projects back into the site. The new property would be overly large bulk on the plot and have an overbearing impact on neighbouring properties such that it would be considered to be out of character within its immediate area.

The property is surrounded by bungalows which typify the type of properties in the area and is why the overall scale of the proposed dwelling is too big. The enlarged dwelling would occupy over 80% of the frontage at two storeys in height which is clearly out of character and out of scale with neighbouring bungalow properties. The development would, therefore, fail to accord with the Arun Design Guide chapter P 'Infill Development' in that it would not respect the established pattern of building height, scale, and plot width.

For this reason the development is considered to be out of character with the surrounding area and fails to be compliant with policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The building would cause a loss of light to and an overbearing impact upon 44a Ocean Drive and 46 Ocean Drive which have habitable room windows on the south elevation facing the new development. The new building would fail to meet the 25 degree rule when measured from the rear of 44a Ocean Drive contrary to Part M of the Arun Design Guide.

Furthermore the rear balcony and bank of windows at first floor level would overlook the rear garden of 44a Ocean Drive at 15 metres away, 4 South Drive at 15 metres away and the rear garden of 52 Ocean Drive 1 metre away over dominating those properties.

The proposal is not considered to accord with policy D DM1 nor D DM4 with respect to residential amenity.

PARKING

1 off street parking spaces in a garage plus room in front for 2 cars is available which is considered acceptable for a dwellinghouse.

SUMMARY

The re-building of the property whilst changing the character of the existing property from a single width to a double fronted property, generally fails to accords with the Local Development Plan policies and is recommended for refusal 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposed new extensions will have an unacceptable impact on habitable room windows of 44a and 46 Ocean Drive in terms of a loss of light and an overbearing impact contrary to policies D DM1 and D DM4 of the Arun Local Plan.
- 2 The proposed new balcony and bank of windows on the rear elevation of the property will have an unacceptable impact in terms of overlooking of 52 Ocean Drive, 4 South Drive and 44a Ocean Drive contrary to policies D DM1 and D DM4 of the Arun Local Plan.
- 3 The development will be overly bulky on the plot and will consequently be out of character with surrounding dwelling houses contrary to policies D DM1 and D DM4 of the Arun Local Plan and section P of the Arun Design Guide.
- 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.