

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** FG/42/17/HH**LOCATION:** 162 Littlehampton Road
Ferring**PROPOSAL:** Garage to front elevation with bedroom above (resubmission following FG/183/16/HH).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal relates to a hipped roof double garage with bedroom above measuring 12.2m by 6.8m in area with a ridge height of 6.2m and an eaves height of 2.4m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling to approx. 2m encloses front garden
SITE CHARACTERISTICS	A single storey detached 2 storey dwelling with pitched roof and integral double garage to side not projecting forward of the dwelling.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design in large plots set back a similar distance from the site frontage with the A259.

RELEVANT SITE HISTORY

FG/107/08/	Erection of side extension, new gables to front elevation & extension at rear including new dormers windows	Refused 03-09-2008 Appeal: Dismissed 22 04 2009
FG/140/08/	Erection of side extension and new gables to front elevation, extension to rear including new dormer window. (Resubmission following FG/107/08)	Refused 21-11-2008 Appeal: Dismissed 22 04 2009
FG/162/08/	Erection of side extension and new gables to	Refused

front elevation and extension to the rear of the property - Revised application of FG/140/08

04-02-2009 *Appealed*

Appeal:
Allowed+Conditions
17 08 2009

FG/60/09/

Erection of side extension and new gables to front elevation/rear elevation.

Refused

15-07-2009

FG/183/16/HH

Garage at front elevation

ApproveConditionally

24-01-2017

REPRESENTATIONS

Representations received:

1 support - Will complement the existing house very well.

Comments on Representations received:

Comments are not agreed for the reasons set out below.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Class A road

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
DEV19

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

There are no policies in the Ferring Neighbourhood Plan considered relevant to 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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

The application seeks planning permission for the construction of a 2 storey extension double garage with bedroom over forward of the front elevation of the dwelling within the front garden area, constructed of materials to match the existing dwelling with metal and upvc doors.

Although the proposed extension would be attached to the property and constructed forward of the existing dwelling there are other single storey garage structures similarly located to the east of the dwelling serving dwellings fronting Ancren Close and there is a high brick wall along the site frontage which screens the front garden area from public view. The lower garage portion of the extension was the subject of application FG/183/16/HH and would be well screened and not readily visible in the street scene and was considered to be acceptable in terms of its impact on visual amenity. However this proposal has increased the height and bulk of the roof and added a first floor which includes 3 dormer windows. This element would be readily visible from outside the site and would result in development at first floor level forward of the front elevation which would visually sit at odds with the other properties fronting Littlehampton Road, which have not been similarly extended, and would compromise the established spatial character and pattern of development in the street. It would be visually prominent and obtrusive in the street scene. Policy DEV19 (I) and (ii) of the Arun District Local Plan also requires extensions to be subservient and visually integrated with the host property. This proposal is considered to conflict with this requirement in that the design and form of the extension would compete with the existing dwelling. The dormers would be significant and would increase the visual prominence of the extension and detract from the balanced appearance of the existing dwelling in conflict with Policies GEN7(ii) of the Arun District Local Plan.

At its closest point the extension would be located 0.82m from the eastern boundary and the roof would pitch away from the shared boundary with an eaves height of 2.4m. The adjacent structures to the east are garages and any overbearing impacts would not therefore cause material harm to the residential amenities of the neighbouring properties in Ancren Close.

A previous appeal Inspector for FG/162/08 which referred to extensions on the eastern boundary to the rear of the dwelling stated

'There are often visual differences when large homes abut small ones, however the relationship which would result here would be acceptable. The outlook of neighbours would be altered to a degree, particularly the properties large roof area, which would become more prominent from within rear rooms and gardens. However, it is not considered that the change would be unacceptable and the balance of the residential amenity of neighbours with their unusually short gardens against the not unreasonable extensions and alterations.

Taking into account all matters raised, a reasonable balance would be reached and the proposal would be acceptable. Further it is not considered there would be any undue overlooking from the scheme or loss of light given the window positions and distances generally. This proposal would not be overbearing and would not be contrary to the objective of protecting residential amenity of policies GEN7 and DEV19 of the Arun District Local Plan'.

It is therefore considered that the proposal complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

CONCLUSION

Given the above it is recommended that the application is refused for the following reason.

HUMAN RIGHTS ACT

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 By reason of the height, design and size of the extension it would result in a prominent and obtrusive form of development which would appear out of keeping in the street scene and would not be subservient to the existing dwelling adversely affecting the visual amenities and character of the area in conflict with policies DEV19 and GEN7 of Arun District Local Plan.
- 2 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 discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.