

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

REF NO: FG/45/18/HH

LOCATION: 25 Upper West Drive
Ferring
BN12 5RG

PROPOSAL: Single storey front, side & rear extensions (resubmission following FG/92/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application is a re-submission to regularise alterations to the fenestration from the permitted plans. The permitted extensions are to the front, side and rear and have been built.

The rear extension is on the north side of bungalow and has replaced a conservatory. It measures 3 m deep and 4.1 m wide. It has a flat roof with a false hip with a maximum height of 3.6 m. It has patio doors on the south elevation. These have been reduced in width and the number of panes from that previously permitted. There are no windows on the north elevation. There is now a window on the west (rear) elevation which has replaced the patio doors shown on the permitted plans.

The side extension is on the south elevation and has replaced an original flat roof extension. It extends along the whole of the south elevation of the original bungalow and up to the boundary. It has a flat roof with a false hip with a maximum height of 3.6 metres and has a parapet on the side boundary to a height of 3 m. There are no windows in the side elevation facing number 23. No changes have been made to the permitted plans on this part of the development.

The front extension is across the north half of the bungalow and has replaced a porch. It extends out 3.8m further than the porch with just one high level window on the north side (changed from the two high level windows shown on the permitted plans) and a door with a glazed side panel on the south elevation. It has a flat roof with a false hip with a maximum height of 3.6 metres. The flat roof over the existing bay window on the front has been replaced with a false hip 3.6 m high.

The 4 high level windows on the north elevation of the original bungalow have been replaced with 3 windows. One still high level but the other two have internal sill height of 1.4 m. All

three are obscure glazed. The middle window has an opening casement.

In summary the alterations to the fenestration on the permitted plans are:

-A reduction in width in the patio doors on the south elevation of the rear extension.

-A window instead of patio doors on the rear of the rear extension

- The replacement of 2 high level windows with one on the side elevation of the front extension facing number 27

-The replacement of 4 high level windows on the side elevation of the original bungalow facing number 27 with three windows, one of which is still high level and the other two have a sill height of 1.4m. All are obscure glazed with only the central window having an opening casement.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Tiber facing and walls with mature planting.

SITE CHARACTERISTICS

The property is a bungalow with a pyramid roof on the west side of the road. It is rendered with a brown tile roof. There is conservatory at the rear and a glazed front porch. The bay window at the front with a flat roof and a side extension with a flat roof on the front half of the south elevation.

CHARACTER OF LOCALITY

Predominantly residential with properties of various designs and styles.

RELEVANT SITE HISTORY

FG/92/17/HH

Proposed single storey front, side and rear extensions

ApproveConditionally
28-07-17

The extension which was permitted under planning reference FG/92/17/HH has been built but with variations to the fenestration shown on the approved plans. The current proposal is to regularise those alterations which are:

1. 3 panes instead of 4 and narrower patio doors to the lounge on the side (south) elevation
2. a window instead of patio doors to the lounge on the rear elevation of the rear extension
- 3 a single high level window instead of 2 on the north elevation of the front extension
- 4 Replacement of the four narrow high level windows on the north elevation of the original bungalow replaced with three and the two nearest the front having an internal sill height of 1.4 m and the front two to be obscure glazed with only the window in the middle capable of being opened..

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

1 letter of objection

The windows in bedroom 2 are shown in the application as opaque with the window towards the front of the property fixed. The installed windows both have openings allowing direct view into my mothers bedroom.

The cill level is lower than the original plan which means my mothers bedroom is directly overlooked. My brother spoke to the builder and from standing at floor level could easily see into my mother's bedroom, he is 5' 7" tall.

The glass is not opaque enough, my mother can see people easily on the other side of the glass.

The main issue is the window towards the front of the property as it overlooks us. We have no objection to the window towards the rear being larger if light is an issue.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the built up area.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
DEV19	Extensions to existing residential buildings
GEN7	The Form of New Development

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

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

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.

A new local plan is in preparation and is 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.

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 has taking place. 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. The examination was completed in September 2017.

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. 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.

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).

The Ferring Neighbourhood Plan has been made and the relevant policies have been considered in 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

The extensions have been considered acceptable and to comply with the relevant policies of the development plan. The only material change in circumstances is the alterations to the fenestration and therefore the issue to be considered is whether these alterations have adversely affected the visual appearance of the area and the amenities of adjoining occupiers. The windows on the rear and the south side of the rear and front extensions and the north side of the front extension have resulted in a reduction in the size of the windows and have no additional impact on the appearance of the area or the amenity of adjoining occupiers. The window at the western end of the existing building is approximately the same height and depth as the original windows in this position. The main issue therefore is with the two windows at the front of the original north wall. As these are obscure glazed they do not result in any direct overlooking and the shadows seen moving across do not directly affect the privacy of the occupiers of the adjacent property. There are no other windows to this bedroom therefore restricting them both to be non-opening would be unreasonable. Due to the angle of the view from the window in the middle of the elevation there would not be an unacceptable impact on the adjoining property if the casement was permitted to be open. As such the proposal would comply with policies GEN7 and DEV19 of the Arun District Local Plan and policies SP1, D DM1, DDM4 of the Arun Local Plan 2011-2031.

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) 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:1336/PO1, 1336/PO2 D and 1336/PO3 A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 3 The materials and finishes of the external walls of the extensions 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 All the windows on the north elevation of the original dwelling and the front extension hereby permitted shall be obscure glazed and fixed shut with the exception of the 2nd window serving bedroom 2 furthest from the front extension which shall be obscure glazed and consist of at least two lights divided horizontally with only the top light capable of being opened, and all the windows shall be maintained in that condition at all times.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.
- 5 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.