

Recommendation Report for Prior Notification

REF NO: FG/47/26/PD

LOCATION: The Haystack
Sea Lane
Ferring
BN12 5EP

PROPOSAL: Prior approval under Schedule 2, Part 1, Class AA for the removal of existing roof, construction of new walls above existing walls to form new first floor walls and erection of new roof with a maximum height of 10.35m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is a prior approval notification under the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) Part 1, Class AA to determine whether the Local Planning Authority has any objections on the following matters: (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light; (ii) the external appearance of the dwellinghouse, including the design and architectural features of- (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway; (iii) air traffic and defence asset impacts of the development; and (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;
SITE CHARACTERISTICS	The site comprises a large, established residential plot with a two-storey detached dwelling consisting of rendered and clad elevations and tiled pitched roof. It also includes a detached garage and outbuilding.
CHARACTER OF LOCALITY	The site lies outside and adjacent to the Built-up Area Boundary and is surrounded by open agricultural land to the north, east, and south. To the West is Sea Lane and the Built-up Area of Ferring consisting primarily of 1-2 storey dwellings.

RELEVANT SITE HISTORY

FG/91/89	Amendments to provide boxroom at first floor level to previously approved application no. FG/227/88	Approve Conditionally 10-07-89
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FG/227/88	Ground floor extension to provide dining room and first floor extension to provide dressing room to existing dwelling house.	ApproveConditionally 23-01-89
FG/20/83	New Prefabricated Double Garage New First Floor And Ground Floor Extensions	ApproveConditionally 30-03-83

The site has been the subject of several planning applications over the years, but the below is of particular relevance to the assessment of this application:

FG/20/83 - This application gained approval for a new prefabricated double garage and new first-floor and ground-floor extensions.

FG/227/88 - This application gained planning permission for a ground-floor extension to provide dining room and a first-floor extension to provide dressing room to the existing dwelling house.

FG/91/89 - This application gained approval for amendments to the permission granted under FG/227/88 to provide a boxroom at first-floor level.

The particular relevance of these applications are discussed within the relevant section of the report below.

REPRESENTATIONS

Ferring Parish Council - Objection:

- Note the history of the site, including the recent refusals of applications FG/22/26/PL and FG/181/22/PL, together with withdrawn application FG/64/23/PL.
- Object strongly to the height, scale, and resultant visual impact of the proposal that would unacceptably harm the character and appearance of the surrounding area.
- The development would appear disproportionately large and out of keeping with neighbouring properties.
- The proposal would fail to relate sympathetically to neighbouring properties and erode the visual harmony and sense of place.
- The building would become an unduly dominant and intrusive feature, appearing out of character and affecting the visual amenity of the area.

Ferring Conservation Group - Objection:

- The proposal would transform the traditional dwelling into a three-storey building with additional roof space, significantly increasing its height, scale and massing.
- The third-floor windows would overlook the surrounding area.
- From the south, the additional storey would create a large, prominent wall above the tree line, resulting in a dominant visual intrusion within the Settlement Gap.
- The development would harm important public views northwards towards Highdown Hill from nearby footpaths and the beach greensward.
- The scale is inappropriate in this rural landscape setting and contrary to the purpose of the Settlement Gap designation.
- The increased height, scale and massing would harm the rural, undeveloped character of the

surrounding landscape and be out of keeping with the character of neighbouring residential development.
 - Conflicts with relevant policies of the Ferring Neighbourhood Plan and Arun Local Plan.

5 No. letters of Objection from local residents:

- Objection to additional traffic entering/exiting the site due to highways and pedestrian safety concerns.
- Out of character.
- Harm to the rural setting and Settlement Gap.
- Harm to the environment.
- Overbearing.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

DEVELOPMENT PLAN POLICIES

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in respect of a development within the curtilage of a dwellinghouse consisting of the enlargement of a dwellinghouse by construction of additional storeys.

The principle of the development is not in dispute as Class AA allows for:

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted

AA.1. Development is not permitted by Class AA if-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the dwellinghouse is located on-
 - (i) article 2(3) land; or
 - (ii) a site of special scientific interest;
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
- (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than-
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres-
 - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
 - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of-

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (i) any additional storey is constructed other than on the principal part of the dwellinghouse;
- (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or
- (k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions

AA.2.-(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows-

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
- (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows-

- (a) before beginning the development, the developer must apply to the local planning authority for prior approval as to-
 - (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
 - (ii) the external appearance of the dwellinghouse, including the design and architectural features of-
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
 - (iii) air traffic and defence asset impacts of the development; and
 - (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;
- (b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;
- (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
- (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
- (e) that notification must be in writing and include-
 - (i) the name of the developer;
 - (ii) the address of the dwellinghouse; and
 - (iii) the date of completion.

Procedure for applications for prior approval

AA.3.-(1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)

(2) The application must be accompanied by-

(a) a written description of the proposed development, including details of any works proposed;
(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
(c) a plan which is drawn to an identified scale and shows-
(i) the existing and proposed elevations of the dwellinghouse, and
(ii) the position and dimensions of the proposed windows.
together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in its opinion-
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,
any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act, such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which-
(a) describes the proposed development, including the maximum height of the proposed additional storeys;
(b) provides the address of the proposed development; and
(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.

(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

(8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.

(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include-
(a) assessments of impacts or risks;
(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework; and
(c) details of proposed building or other operations.

(12) The local planning authority must, when determining an application-

- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
- (b) have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(14) The development must be carried out in accordance with the details approved by the local planning authority.

(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

CONCLUSIONS

The Local Planning Authority may only assess the proposal in terms of its compliance with any conditions, limitations, or restrictions specified in paragraphs AA.1 and AA.2. The assessment is set out below.

AA.1:

a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use) and thus, it is compliant.

b) The dwellinghouse is not located on article 2(3) land; or a site of special scientific interest and thus, it is compliant.

c) The Council has no record of the initial construction of 'The Haystack'. Historic mapping indicates that the property had not been built in 1943, but The Council has no historic mapping from 1943-1991. From the evidence, and on the basis of probabilities, the property was likely built after 1948 and was certainly built before 2018. As such, the proposals is concluded to be compliant.

d) The Council has no historic records/plans of the initial construction of 'The Haystack'. The Town and Country Planning (General Permitted Development) (England) Order 2015 defines 'original' as follows: "original" means - "... (b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;..."

The earliest plans available for 'The Haystack' can be found under FG/20/83. These show the central, two-storey component of the building to feature a cat-slide roof that extends down to the west (front) of the building. Given these are the earliest records of the building available, they are the best representation of the 'original' or as-built building available. For the purposes of this assessment, they are, conservatively, considered the 'original' building.

FG/227/88 and FG/91/89 later approved a first-floor extension above the cat-slide roof that now constitutes the main two-storey, central element of the building as seen today (not including the rear two-storey projection with a slightly lower ridgeline that was a further, later addition). This first-floor extension was an addition to the first-floor of the building, and does not constitute an additional 'storey'.

From review of the site as it stands today, and the closest representation of the 'original' dwellinghouse, it is clear that while it has been extended, no additional storey has been constructed above the 'original'

dwellinghouse. As such, the proposal complies with this section.

(e) The development would not exceed 18m.

(f) The development would not increase in height by more than 3.5m.

(g) The dwellinghouse is detached.

(h) No sections have been provided, however, the applicant has confirmed the internal floor-to-ceiling heights would not exceed the lower of 3m or the existing floor-to-ceiling height of the principal part of the dwellinghouse. The proposed elevations do not give any reason to dispute this claim. The proposal is compliant.

(i) The 'principal part', in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition. It is clear that the additional storey pertains to the main, central, two-storey element of the building and the proposal complies with this section.

(j) There are no visible support structures proposed.

(k) The site boundary covers only to the residential curtilage of the site.

AA. 2 (2):

a) The external materials are identified to be of a similar appearance to those of the existing dwellinghouse.

b) No windows are to be installed within the side elevations of the additional storeys.

c) the roof pitch of the principal part of the dwellinghouse would be the same as the existing.

d) This is a restrictive condition of the provision of Class AA and should be complied with.

The application seeks prior approval for the details referred to in part (3), namely:

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of:

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(1) issued by the Secretary of State;

In respect of part 3(i), the distance between the nearest neighbouring residential property and the proposed upper floor is 40m. This distance separates the front boundary of the neighbouring property and rises to 46m at its front elevation, and 57m for its private garden. While the viewpoint is from an elevated position, the intervening distances are substantial and overlooking/privacy impacts remain acceptable.

Given the substantial intervening distances between the host dwelling and its neighbours, there would be no adverse overshadowing impacts.

With regard to part 3(ii) and the external appearance of the dwelling, the north elevation would feature a large, blank facade at second-floor, which can be expected due to the restrictions on upper-floor side windows within Class AA, and on this elevation, with its breadth, sparse small fenestrations, and the continuity of the elevation into the rear two-storey component, the appearance of the elevation is not

unduly incongruous with the remainder of the building and is acceptable.

The east elevation is also acceptable, being relatively narrow, with a step down to the existing rear two-storey component, elevational depth stepping and other architectural features that break up its appearance.

The south elevation is equally as restricted as the north elevation in terms of being unable to include upper-floor windows, however, the lower floors and remainder of the building on this elevation are largely broken up with elevational stepping and numerous openings and larger features such as the conservatory and balcony. The upper floor juts up from, and looms above, the remainder of what is a complex and organic elevation. The blank facade visually jars with the remainder of the south elevation and is visually unappealing.

The principal front elevation (west) is narrow, with single storey elements surrounding its base. Where the east elevation benefits from a transition of single-storey up to two-storey and then the three-storey element, the principal (most critical) elevation, does not. The result is a narrow, three-storey element that rises from the surrounding single-storey context. It features a forward window matching that at first-floor in design and location, but otherwise is otherwise blank. The result being that the three-storey component looks unbalanced and asymmetrical. The three-storey height draws attention to the awkward design of this component and ultimately, highlights the unsympathetic design.

Due to the permissive footpaths through and around the site within the adjacent agricultural land, that are frequented by the dog walkers and other members of the public, and despite the surrounding vegetation, the building can be appreciated to a degree on all sides. The addition of the upper floor would ensure this by rising above the surrounding vegetation. The principal elevation, is completely visible through the access along the public highway to the front.

The additional storey would result in the dwelling being the only three-storey building within the locality, with the remainder primarily comprising bungalows and chalet-style bungalows, and a few two-storey examples further south. While it would be generally out of character with other residential properties in the area, and the added height would have some impacts on the surrounding rural landscape and settlement gap, the conditions of Class AA relate only to the external appearance of the building. The dwelling resides alone on the east side of the road, and a specific assessment of the impacts on the character of the wider area falls outside of the remit of Class AA. As such, this is not a reason to object.

That said, overall, the proposal would still result in an unsympathetic addition that results in an unsatisfactory external appearance of the building, including the principal elevation. This is in conflict with NPPF Paragraphs 131 and 135 which seeks the creation of high quality, visually attractive, beautiful and sustainable buildings, and highlights that good design is a key aspect of sustainable development.

Parts 3(iii) and 3(iv) are not of relevance to this proposal.

Class AA.2(3) subsections (b) - (e) are procedural requirements of the proposal that need to be satisfied before beginning the development and following the completion of the development. These are outlined within the informatives of this decision notice.

The proposal represents an unsympathetic and visually jarring addition to the building that results in an unsatisfactory external appearance overall and an unbalanced principal elevation, which is in conflict with NPPF Paragraphs 131 and 135 which seeks the creation of high quality, beautiful and sustainable buildings.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

OBJECTION

- 1 The proposal development represents an unsympathetic and visually jarring addition to the building that results in an unsatisfactory external appearance overall and an unbalanced principal elevation and would fail to comply with AA.3(a)(ii) of Class AA of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015, as amended which is in conflict with NPPF Paragraphs 131 and 135 which seeks, amongst other things, the creation of high quality, visually attractive, beautiful and sustainable buildings.