

Recommendation Report for Planning Permission

REF NO: FG/5/22/PL

LOCATION: 17 Foamcourt Waye
Ferring
BN12 5RD

PROPOSAL: Variation of Condition following grant of FG/42/18/HH relating to Condition Nos 2 - approved plans and 3 - materials & finishes.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary conditions 2 (approved plans) and 3 (materials) following the grant of FG/42/18/HH.
SITE CHARACTERISTICS	Residential, chalet bungalow.
CHARACTER OF LOCALITY	Quiet residential area with open aspects to front gardens although some have low walls, hedges and shrubs. The properties are predominantly detached bungalows of varied designs and heights but in the immediate vicinity some have accommodation at first floor with dormers and roof extensions, including the adjacent property to the north and the property at the southern end of the road. To the side of the adjacent property to the north is a trapezoid shaped single storey element with a flat roof approximately 3.5 m high which projects out slightly further than the existing flat roof rear extension on the application site. There is a dormer across the rear roof slope of this adjacent property to the north.

RELEVANT SITE HISTORY

FG/42/18/HH	Demolition of existing detached garage & rear conservatory, enlargement of existing driveway, single storey side extensions, extension of existing roof over proposed extensions with 5 No. dormer windows.	ApproveConditionally 15-06-18
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Noted.

REPRESENTATIONS

Parish Council - Objection

The front left hand new dormer window, being a bathroom, does not appear to show obscure glazing. As this overlooks and looks down on the enlarged lounge window of the property immediately opposite and bedrooms of properties opposite, wish obscure glazing to be a condition of planning. This should maintain some privacy, protection and dignity for local residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

The front facing dormer windows do not form part of this application and as they were approved (clear glazing) under FG/42/18/HH. Additionally, it is noted that there is a separation distance of approx. 30m to the opposite neighbour, across the public domain, as such issues relating to overlooking are considered unfounded.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary although adjacent to the open countryside.

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

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 the proposed

development accords with policies D DM1 and D DM4 of the Arun Local Plan and Policy 1A of the Ferring Neighbourhood Plan.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

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.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

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

Alterations to the approved plans have been made during the building of the extensions to this property. These include two dormer juliet balconies altered to standard casement dormer windows, the dormers to the front elevation have been lowered within the roof plane by 200mm and two sets of double doors and a single casement window have been combined into two sets of bifold doors to the ground floor rear elevation. Additionally, it has been confirmed that the roof tiles used in construction match the existing and timber cladding has been introduced to the dormer cheeks.

The alterations to the dormer windows, front and back has no negative impact to the character of the building nor does it harm the spatial composition of the area. This is by reason that the overall height and scale of the rear dormers is equal to the approved, albeit the cill height is now raised, and the size and scale of the front dormers is the same as approved.

The materials used match the existing building and the as built rear extension are therefore in keeping with the character of the building.

The alterations to the dwelling will have no harmful views to the street scene and the wider area, so will have minimal impacts on the character and appearance of the area and comply with policy in that they are subservient and achieve good visual integration with the host dwelling.

In terms of design and visual amenity, the proposed alterations to the approved plans and confirmation of materials use comply with policies D DM1 and D DM4 of the Arun Local Plan and Part M of the Arun

Design Guide.

RESIDENTIAL AMENITY

The proposed amendments do not alter the size, scale or positioning of any discernible features as such there will be no negative impact on the proposals overbearing or overshadowing effects.

In terms of overlooking, all fenestration remains the same as approved plans or has been reduced in size, as such this will not negatively impact overlooking to adjacent properties from the site.

In terms of not being overbearing, overshadowing or overlooking the proposed amendments to the proposal comply with policy D DM1 and D DM4 of the Arun Design Guide.

It is therefore considered that by means of not being overbearing, overlooking and overshadowing the proposed development is in accordance with policies D DM1(3), D DM4(c) of the Arun Local Plan and the Arun Design Guide Part M.

SUMMARY

As the proposal meets with all relevant Local Plan policy it therefore complies with Policy 1A of the Ferring Neighbourhood Plan.

The development is deemed to accord with relevant development plan policies and as such is recommended for approval 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) 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 the permission granted under FG/42/18/HH (15/06/2018).

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

The Location Plan

1718/05C

1718/06D

1718/07D

1718/08E

1718/09B

1718/11A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 3 With the exception of the single storey rear extension the materials and finishes of the external walls and roof 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 D DM4 Arun Local Plan.

- 4 The flat roof of the single storey extension shall at no time be used as a balcony.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 5 INFORMATIVE: This permission relates to the variation of approved plans of planning permission FG/42/18/HH only.