

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

REF NO: FG/70/20/HH

LOCATION: 9 Telgarth Road
Ferring
BN12 5PX

PROPOSAL: Hip to Gable remodel of exiting loft conversion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a hip to gable roof extension, two roof dormers and a single storey rear extension.
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REPRESENTATIONS

Parish Council - No comments.

1 letter of objection:

The proposal would result in two roof high gables, which would overlook the neighbouring garden, conservatory and windows.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

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)
DSP1	D SP1 Design

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

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

Due to the siting of the proposed rear extensions, there will be no available views of the proposed rear extensions from the public realm. Furthermore, these elements of the proposed development are considered to appear subservient to the host dwelling, and well integrated with its built form.

The locality is considered to have a varied spatial pattern, and is host to a variety of roof extensions styles, and as such, whilst the proposed dormers are of a significant scale, they cannot be considered to have significantly harmful impact upon the character of the area or the host dwelling itself. This scale is softened due to the siting of the host dwelling as being deep within its application site, which mitigates the dominance of the structure within the street scene and the host dwelling itself.

The proposed development is considered to be in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significant overbearing or overshadowing impact upon the occupiers of neighbouring dwellings, this is due to the scale of the proposed development, and its separation distance from the neighbouring dwellings.

The proposed development is considered to have an unacceptable overlooking impact upon the occupiers of the neighbouring dwelling to the West. This is because the proposed dormers feature windows of which look towards this neighbouring dwelling. These windows are considered to result in direct overlooking into the private amenity area of this neighbouring dwelling, into the conservatory and the Eastern facing windows of the neighbouring dwelling. These windows cannot be conditioned to be obscure glazed and fixed shut, as they are the only windows serving proposed bedrooms.

As such, the proposed development is considered to conflict with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is considered to result in a loss of privacy to the occupiers of the neighbouring dwelling to the West, by way of overlooking. As such, it is considered to conflict with D DM1(3) and D DM4(c) of the Arun Local Plan.

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

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 first floor side facing window, by way of its siting will result in a loss of privacy to the occupiers of the neighbouring dwelling to the West, by way of overlooking in conflict with policies D DM1(3) and D DM4(c) of the Arun 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 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.