

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

REF NO: FG/71/18/HH

LOCATION: 23 Sea Lane
Ferring
BN12 5DP

PROPOSAL: Two storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RESIDENTIAL DEVELOPMENT N/A

DENSITY (NET)

RELEVANT SITE HISTORY

FG/33/48	Garage	ApproveConditionally 17-12-48
FG/83/67	Conservatory	Permit'd Devel 18-07-67
FG/96/89	Two storey extension to rear of property	ApproveConditionally 17-07-89

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council: Have not commented on this application.

No comments have been received by other members of the public.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
With in the Built-up Area Boundary

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
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:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE/POLICY:

The Development Plan consists of the Arun District Plan 20011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1and D DM4 of the Arun Local Plan 2011-2031. These policies aim to ensure that development is respectful to its local environment and residential amenities of neighbouring properties.

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 presubmission 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;

The relevant policy in the Ferring Parish Neighbourhood Plan 2014-2029 is:

Policy 1A: Spatial Plan for the Parish which permits development within the built up area subject to compliance with other development plan policies.

PLANNING

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 not be subservient to the main dwellinghouse and in conflict with policy D DM4 a.

OTHER MATERIAL CONSIDERATIONS:

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. Even though the proposal is considered not to be subservient to the existing dwelling, it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties. Also the proposal would not have an adverse impact upon the established character of the surrounding area.

CHARACTER OF LOCALITY:

The character of the immediate area is residential. To the North (rear) of the application site is number 25 a bungalow, to the east is number 27 a 2 storey semi detached property, which is separated from the application site by the access to number 25, to the west is number 25 and to the south is the Sea Lane with property number 7 directly opposite. The site and area features a number of trees and planting.

SITE CHARACTERISTICS:

The site is occupied by a chalet bungalow with a dormer windows in the front and rear roof slopes. The dwellinghouse features redbrick construction, red roof tiles, uPVC windows with painted render to sides. The chalet bungalow is set back from the rear of the highway by approximately 24 metres and is screened by the trees to the front boundary abutting Sea Lane. The rear of the site features trees and planting of varying levels to the rear and side common boundaries.

DESIGN AND VISUAL AMENITY:

Officers note criteria a, b, d and e of Policy D DM4 whereby:

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition.

The proposed rear extension and alterations would lead to the creation of a much larger property with regard to its size, scale, massing and bulk. From an assessment of the plans Officers note that while the proposal would not be considered to be subservient to the existing dwelling the maximum ridge height of the resultant dwelling would not exceed approximately 7.25 metres in height, the same as that of the existing dwelling.

From the Officer's site visit and assessment of the submitted plans it was noted that the existing dwelling is set behind the trees to the front boundary. These trees screen the dwelling and as such limited views of the dwelling are available down the existing access to the front. Additionally officers note that the existing dwelling is setback from the rear of the highway by approximately 24 metres. Officers note that the proposed extensions would be to the rear of the host dwelling and that the resultant dwelling would continue to be screened by the aforementioned trees. Therefore, it is considered that the proposal would not have a detrimental impact upon the street scene and wider area.

Officers note that the proposals would not be subservient, as the rear extension would have a ridge height the same as that of the existing dwelling.

The proposal would be set in from the common boundary of adjoining property number 21 by a minimum of 0.7 of a metre and a maximum of 1 metre. Officers note that the closest part of number 21 is single storey. Therefore, the proposed development would be set in from the side elevation of number 21 at first floor by approximately 5.5 metres. Additionally the proposal would be set in from the common side boundary of number 25 by 6.18 metres.

However, from an assessment of the submitted plans and Officer's site visit the proposed single storey rear extension, would be acceptable in design terms as it would be of a size and scale that harmonises with the original dwellinghouse. Therefore the proposals would not be unduly prominent or out of keeping with the design and external appearance of the application dwelling.

The proposed external materials that would be used are as follows:

Doors - Existing: uPVC in white - Proposed: uPVC in white

Roof - Existing: plain Roof Tile - Proposed: plain roof tile

Walls - Existing: face brickwork with render above - Proposed: face brickwork with render above.

Windows: - Existing: uPVC in white - Proposed: uPVC in white

From an assessment of the proposed materials it is considered that they are appropriate subject to a condition stating that they should match be applied to any grant of planning permission.

As a result of the above assessment it is considered that the 2 storey rear extension would be of a suitable size and scale.

As such, it is considered that the proposals would comply with Policy D DM1 and criteria a, b, d and e of Policy D DM4 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY:

Adjoining property number 25 to the rear of the application, with regard to back to back distances, would be sited approximately 40 metres (minimum) and 42.5 metres (maximum) away. Therefore, having regard to the longer back to back distances and the trees and planting screening to the rear common boundary, it is considered that no detrimental overlooking would occur to the occupiers of adjoining property number 25.

Property number 27 is sited the other side of the access to adjoining property number 25. From an assessment of the plans 2 rooflights are proposed into the eastern roof slope, which would serve ensuite and a bedroom. It is not clear from the plans what the cill height, from the floor of the rooms they would serve, would be. From an assessment, officers note that there are trees and planting to the eastern boundary but that due to the height of the rooflights views could be out over the tree/planting screening. As such it is considered that any views would be out over the access to number 25 toward the rear amenity space of number 27. Officer's note that the distance from the rooflights to the boundary of number 27 would be approximately 16-16.5 metres which is considered a fairly short distance. As such, given the positioning of the rooflights it is considered that some overlooking toward the rear private amenity space of number 27 could occur. It is considered that while the rooflights would be set into the roofslope of the proposal, which would help to limit any overlooking, detrimental overlooking of the primary amenity space to the rear of number 27 could occur. As such, should planning permission be granted a condition requiring these windows to feature restricted opening and be obscure glazed up to a height of 1.7 metres from the floor of the rooms they serve. Officers note that the rooflight serving the bedroom is not the only window serving it and as such there a means of escape could still be provided via the larger window in the rear elevation. As such it is considered that no detrimental overlooking would occur toward property number 27.

The proposal would be set in from the common boundary of adjoining property number 21 by a minimum of 0.7 of a metre and a maximum of 1 metre. Officers note that the closest part of number 21 is single storey. Therefore, the proposed development would be set in from the side elevation of number 21 at first floor by approximately 5.5 metres. Additionally the proposal would be set in from the common side boundary of number 25 by 6.18 metres. Therefore officers do not consider that the proposal would have an overbearing effect and would cause a detrimental level of overshadowing to the the occupiers of adjoining properties.

From an assesment of the plans and the Officer's site visit it is considered that overlooking from the proposed rear dormer window, serving a bedroom, would occur out over the area directly to the rear of adjoining property number 21. This area is considered to be the primary amenity space (first 3m to rear), which is considered not to be ideal. However, Officers note that there are no permitted development (PD) restrictions which would restrict the insertion of a rear dormer into to the rear roof of the existing dwelling. Officers note the condition imposed on previously granted application ref: FG/96/89 - no additional windows into the west elevation, however the proposed dormer window would be into the northern elevation of the proposed rear extension, not the western elevation. From an assesment of the plans and the PD legislation, officers consider that a similar sized dormer could be inserted into the rear roof of the existing dwelling without planning permission and due to its position further back that that proposed, it is considered that the dormer would have a greater impact with regards to overlooking toward number 21. Therefore, on balance, having regard to the PD. fall back position officers consider the level of overlooking from the rear dormer, while not ideal, would be acceptable.

As such, it is considered that the proposals would comply with Policy D DM1 and D DM4 of the Arun Local Plan 2011-2031.

PARKING AND HIGHWAY SAFETY:

From an assessment of the plans and the Officer's site visit it is noted that the proposal would not alter the existing parking arrangements which currently allow the off-road parking of 3+ along with the parking space in the existing garage.

From an assessment the proposal would adhere with the West Sussex County Council guidance on parking provision. Therefore it is considered that the proposal would not have a detrimental impact on parking and highway safety.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun District Local Plan 2003.

The existing access, to the front of the site, would continue to be used. Therefore it is considered that no highway safety issues would occur as a result of the proposed development.

TREES:

It is noted that TPO number FG/1/77 relates to tree to the front boundary of the application site. The proposal is not seeking any alterations to the front elevation and would not bring the built form any closer to the front boundary. As such it is considered that no TPO trees would be affected by the proposals.

The applicant has stated on the application form that there are no trees and hedging on their property or on adjoining properties which are within falling distance of the proposed development, and that no trees or hedges will need to be removed in order to carry out the proposal. From the officers site visit it is noted that there are trees and planting within the rear garden of the host dwelling. It is noted that there is planting (hedging) along with a small palm tree to the common boundary of number 21 which is within falling distance of the proposal. Also it was noted that there is a tree close to the eastern boundary at the rear that may be affected by the proposals.

However, it is considered that no TPO trees or any trees of significant amenity value would be affected by the proposals.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions.

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 :

Block Plan and Location Plan and Floor Plans and Elevation Plan.

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 District Local Plan.

- 3 The rooflight, serving the bathroom, in the eastern roofslope shall have obscure glazing and be fixed shut to be permanently non-opening up to 1.7m from the ground floor of that bathroom.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and D DM4 of the Arun District Local Plan.

- 4 The rooflight, serving the bedroom, in the eastern roofslope shall have obscure glazing and be fixed shut to be permanently non-opening up to 1.7m from the ground floor of that bedroom.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and D DM4 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.