

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

REF NO: FG/79/17/HH

LOCATION: 4 Ferring Marine
Ferring

PROPOSAL: Retention of side/rear extension (includes demolition of garage)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks retrospective planning permission for the demolition of the original garage and construction of a single storey rear and side extension. The proposed single storey extension will measure approximately 4m in depth, 3.63m to the side of the existing dwelling, with an eaves height of 2.82m and a maximum height of 3.4m.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The front boundary of the site is open with the rear and side boundary consisting of a mixture of mature planting and 1.8m high close boarded fencing.

SITE CHARACTERISTICS

The site is occupied by a link-detached bungalow constructed from brick with a tiled roof and weatherboarding on the gable on the primary elevation. The property originally featured a single storey garage to the side.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential and features properties of a similar design and style in the immediate locality.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

No comments received from the Parish Council.

1 No. letter of objection:

- The garage was demolished together with my boundary wall without me being consulted.

- The condition of the wall is shoddy with the bricks not being aligned properly and the pointing being a disgrace.

Comments on Representations received:

In response to the 1 no. letter of objection - it is considered that this is a dispute between neighbours as to the quality of the work which has been carried out. Therefore, it is not possible for the Local Planning Authority to become involved in this matter.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within built area boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
GEN2
GEN7

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

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 but it is considered that there are no policies relevant to 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

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are considered to be GEN7 and DEV19 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed development by virtue of its design, location and scale is considered to appear well integrated and subservient to the host dwelling in accordance with policy DEV19(i) and (ii) of the Arun District Local Plan.

The proposed development by virtue of its scale and location is not considered to have an unacceptably adverse impact upon the spatial pattern or character of the street scene. It is similarly considered that the proposal will not adversely impact upon the character of the host dwelling. Therefore, it is considered that the proposal will comply with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed development will abut the eastern boundary of the site. However, it is considered that by virtue of its design and location that the development will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts. Therefore, it is considered that the proposal accords with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below 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 for 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;

· Elevations, Section and Floor Plans - 20117.1A of 2

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The materials and finishes of the external walls of the extension 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.

- 3 **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.