

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

REF NO: FG/82/17/HH

LOCATION: 9 Ocean Drive
Ferring

PROPOSAL: Single & second storey extension & alterations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to extend the property from a 3/4 bedroom single storey chalet bungalow with a first floor element to a two storey 4/5 bedroom house with a pitched roof and a number of additional ground floor living/family rooms.

The existing conservatory to the rear would be demolished and replaced with a single storey storey rear extension as part of the above proposal.

The ground floor area would remain similar to existing. The first floor space would increase by 300 % from 32 sq.m. to 97 sq.m.

The chalet bungalows hipped and pitched roof to the rear would be replaced by a conventional two storey pitched roof. The eaves level would increase from 2.5 metres to 4.5 metres. The height to the ridge of the pitched roof would increase from 5.7 metres to 6.5 metres however the existing roof is multifaceted and to the rear half of the property the roof is only 4.5 metres in height resulting in a 2 metre increase in height of the ridge.

SITE AREA

0.05 hectares

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

1.8 metre close boarded fence to the sides of the property.

SITE CHARACTERISTICS

9 Ocean Drive is an inter war detached chalet bungalow set in generous gardens with a front

garden 16 metres in length including a driveway and a 10 metre long rear garden.

CHARACTER OF LOCALITY

A residential area with a variety of different detached housing styles including bungalows, 2 storey dwellings and extended chalet bungalows . Ocean Drive is a local connector road between the sea front and Ferring village centre.

RELEVANT SITE HISTORY

FG/134/04/	Proposed garage, kitchen extension and front bow window	ApproveConditionally 19-11-2004
FG/158/06/	Conservatory to rear elevation with attached garage,side roof dormer & rear gable end.	ApproveConditionally 05-02-2007
FG/117/07/	Car port to side elevation	ApproveConditionally 11-09-2007
FG/57/13/	Replacement dwelling.	Withdrawn 22-07-2013
FG/117/13/	Replacement dwelling (Resubmission following FG/57/13).	ApproveConditionally 27-11-2013
FG/74/14/HH	Roof alterations, porch to side elevation, internal and external alterations.	ApproveConditionally 17-07-2014

Condition 4 of FG/74/14/HH for roof and first floor extensions, now constructed, restricted permitted development rights to insert windows in the north and south elevations facing the neighbouring properties to the north and south sides. The design of the proposed first floor extension respects this condition in that there are no windows in the north and south elevations above first floor level except obscure glazed and non opening mostly high level windows.

REPRESENTATIONS**Representations received:**

No comments have been received from Ferring Parish Council following consultation on 19th June 2017, 8 weeks prior to the date of this report.

No other objections have been received.

Comments on Representations received:

Noted.

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
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 taken. 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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.

There are no policies considered relevant to this proposal within the Ferring Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 parts of relevant Development Plan policy DEV 19 of the Arun District Local Plan concerning subservience.

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.

While the proposed extensions would not be subservient to the existing dwellinghouse, it is considered 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.

CONCLUSIONS

PRINCIPLE:

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN:

Policy DEV 19 of the Local Plan states that extensions to existing residential buildings should sympathetically relate to and be visually integrated with the existing building in siting, design, form, scale and materials, and also be visually subservient to the main building.

GEN 7 requires that new developments 'demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness'.

In this case, the proposal will result in ground, first floor and roof additions that will significantly enlarge the property such that they could not be described as subservient to the host property. They would however sympathetically relate to the existing building in siting, design and form being a reasonable size of dwelling on the plot when compared to neighbouring properties and other properties in the vicinity of the application site on Ocean Drive. The proposal would be of a high quality design, enhancing local distinctiveness and would not be out of character in the locality with other similar extended properties in the area. It would respond positively to the site and surroundings which feature many two storey and chalet style properties as well as providing an attractive place providing for the needs of the current occupiers of the dwelling.

It is considered that the overall increase in bulk and scale would be acceptable when seen in context with the host building and surrounding dwellings, many of which are two storey or extended chalet bungalows and therefore the proposed dwelling would complement neighbouring properties and the street scene as a whole.

The proposal is not considered to be visually subservient to the existing dwelling house and therefore contrary to Policy DEV19 (ii) the proposal however it complies with all other aspects of the Local Development Plan and the NPPF and NPPG.

RESIDENTIAL AMENITY

The following properties would be potentially impacted by residential amenity issues of overlooking (loss of privacy), loss of light and overbearing impact on habitable room windows.

Property to the north - 7 Ocean Drive

The neighbouring bungalow would lose some light to its side elevation and rear garden and there would be an impact on the outlook from the side elevation windows of the property.

The side elevation of the property has a number of side facing window toward no.9 which are habitable rooms. The proposed extension is to have a relatively low eaves height at 4.5 metres and the developers have sought to keep the ridge height reasonably modest at 6.5 metres.

While the impact of the development on loss of light and overbearing impact would occur it is not considered so significant as to warrant a refusal of the application on these grounds.

The impact in terms of a loss of privacy on the two high level fixed windows would be addressed by condition.

Property to the south - 11 Ocean Drive.

Due to its location to the south of the development there would be no loss of light caused to that property. There would be no loss of privacy as there would be one high level window in the south facing elevation and a large window serving to illuminate the stairwell which would be fixed and obscure glazed. This matter could be secured by condition in the event of a decision to approve the application.

The proposed extension would affect the outlook from the rear windows of 11 Ocean Drive (no significant north facing side elevation windows exist at 11 Ocean Drive). The rear window adjacent to the boundary with no. 9 is a bedroom window as such it is considered to be a secondary habitable room window. The Council uses the 45 degree rule of thumb to assess whether proposed built development adversely affects neighbouring properties in terms of loss of light and privacy. As stated in this case loss of light is not an issue. The second storey element of the scheme marginally breaches the 45 degree rule however given there would be no loss of light and the secondary habitable room status of the bedroom this is not considered to cause a significant loss of residential amenity.

The ground floor extension to the rear of the applicant's property replaces an existing conservatory it is not considered that the impact on will be significant when compared to the current built form of the applicants property.

It is also noted that no objection to the development was received from number 11 Ocean Drive.

Property to the east (adjoin the rear garden of the applicant's property). - 6 Chalet Close.

The property to the rear 6 Chalet Close is separated by 10 metres from the rear elevation of the new extension and 13.72 metres from the proposed first floor rear elevation. 6 Chalet Close is orientated such that its side elevation faces the proposed rear elevation and no adverse impacts are foreseen due to the separation distance and juxtaposition of main and side elevations.

No other properties would be significantly affected by the proposal.

As such the proposal would comply with policies DEV19 (iii) and GEN 7 (iv) relating to residential amenity of neighbouring properties.

The proposal is not considered to have any significant impacts with regard to parking due to the ample provision for parking in the front garden and driveway.

SUMMARY:

On balance the proposed development is considered to be of an attractive design in keeping with other properties and extensions in the immediate area and would not cause any significant harm to the residential amenity of neighbouring properties. The development is considered to be acceptable with regard to relevant development plan policies and guidance within the National

Planning Policy Framework. As such is recommended for approval subject to the conditions below;

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;

Dwg.no. Drawing 1 Proposed Floor Plans dated 24th Apr 2017

Dwg.no. Drawing 2 Proposed Elevations dated 24th Apr 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GNE 7 and DEV 19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the two storey element of the extension hereby permitted shall match in colour and texture those of the existing building(s).

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The windows on the north and south elevations of the first floor shall at all times be glazed with obscured glass and shall be fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 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.