

Recommendation Report for Planning Permission

REF NO: FG/82/21/PL

LOCATION: 11 Ferring Marine
Ferring
BN12 5PP

PROPOSAL: Variation of condition imposed under FG/127/19/HH relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks to vary the condition imposed under FG/127/19/HH relating to approved plans.

SITE CHARACTERISTICS The site is occupied by a residential property.

CHARACTER OF LOCALITY The area is predominately residential.

RELEVANT SITE HISTORY

FG/83/20/HH	Infill/side extension.	ApproveConditionally 17-09-20
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FG/127/19/HH	Loft conversion & reconfiguration of South elevation	ApproveConditionally 23-12-19
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PAA/118/19/	Loft conversion to create a conservatory style addition, additional bedroom at loft level and reconfiguring existing fenestration to the south elevation.	Approve Pre App 11-10-19
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FG/90/19/PDH	Notification under extended permitted development rights for a single storey rear extension with flat roof measuring 6m from beyond the rear wall of the original dwelling house, with maximum height of 3.1m and eaves height of 3m.	Prior Approv not req 13-09-19
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Relevant planning history noted.

REPRESENTATIONS

No comments from Parish Council

21 letters of representations from nearby occupiers stating:

- The proposal will be an intrusion of neighbours privacy due to overlooking.
- This application should be a new application and not a variation of condition.
- The sea pathway is being obstructed and should be protected.
- The proposal is too large in scale.
- There are inaccuracies on the drawings.
- The development is out of character with the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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

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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

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

In this case, the key policies are D DM1 and D DM4 of the Arun Local Plan. Policy 1A of the Ferring Neighbourhood Development Plan is relevant to this application.

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 this being suited to an urban setting.

Further guidance from the Arun Design Guide is relevant and referred to below.

DESIGN AND VISUAL AMENITY

The proposal seeks to vary the plans in relation to minor changes to fenestration and a change from an obscure glazed balcony treatment (central element only - the obscure glazing on the extremes of the building remains) to one of non-living willow screening (double thickness) and planting.

The merits of the previous proposal are noted and remain as per the previous application other than the two issues in the above paragraph.

The proposal will be to the side and rear of the dwelling and 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.

Although the proposed materials are not the same as what has been constructed on the host dwelling, the materials will not appear overly dominant or intrusive to the site and as a result will mean that they do not pose a negative impact to the area. As a result, this is not a justified reason for refusal.

The proposal does not result in an adverse appearance on the street scene, or result in a harmful impact upon the host dwelling, and as such, is deemed to be in accordance with D DM1, D DM4(a), (b) and (e) of the Arun Local Plan and J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and within the settlement character areas identified in section C.06 of the design guide. Also section M, referring to householder extensions. Extensions should respond to and complement the existing character and appearance of the building

and wider townscape in terms of scale, massing. It is considered this is achieved, with the addition appearing well integrated and sympathetic in design to the host dwelling.

RESIDENTIAL AMENITY

The screening to the side will be covered by a willow fence up to a height of 1.8m, there will also be a mix of cross planting.

In order for there to be no overlooking to any of the neighbours at the side, a condition will be added for the willow fencing to be constructed at double thickness to avoid any gaps which could lead to overlooking. As a result, when the willow fence is at double thickness the potential gaps will be removed.

The development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

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 the permission for FG/127/19/HH (23/12/19).

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:
- Location and block plan PO_A
 - Proposed elevations P5_E
 - Proposed elevations and main section P5 Rev C

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

- 3 The 1.8m high willow fence/screening shown on the approved plans should be constructed at double thickness (willow screen) to avoid any overlooking to the side neighbours and shall be retained in perpetuity.

The screens marked "translucent screens" east and western elevations at first floor level, shall at all times be obscured to a height of 1.8m with fixed obscured glass and said screening shall be retained in perpetuity.

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

- 4 The green roof area (shown on plan P3 Rev C) of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy D DM1 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.

- 6 INFORMATIVE: This permission relates to the variation of approved plans of planning permission FG/127/19/HH only.