

Recommendation Report for Planning Permission

REF NO: FG/83/14/PL

LOCATION: Flat 116
Ferring Street
Ferring

PROPOSAL: Loft conversion incorporating a full width rear flat roof dormer.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to conversion of the roof area into a bedroom and en-suite and includes the provision of roof lights to the front elevation and a dormer with 2 windows and a door and Juliette balcony to the rear. The dormer would be 6m in length.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling/fencing to rear. To site frontage none. Premises abuts footpath.
SITE CHARACTERISTICS	Mid terrace 2 storey property. Plain tiled roof. Brick elevations. Ground floor in retail use as a fish and chip shop.
CHARACTER OF LOCALITY	Village centre location. Site is part of the shopping parade with residential properties on upper floors.

RELEVANT SITE HISTORY

FG/44/07/	New shopfront	ApproveConditionally 19-06-2007
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REPRESENTATIONS

Representations received:

2 letters of representation. One requesting clarity that only a loft conversion is proposed and the other objecting on the basis of loss of privacy to the garden to the rear.

Comments on Representations received:

The proposal does only relate to conversion of the loft area. The proposed windows would

directly face gardens to the rear, but there would be a distance of 23m from the rear of the dormer to the side boundary of no 2 and no material loss of privacy would therefore result. The bungalow at 2a is a relatively recent infill with no rear garden, the main amenity area being to the side. The proposed dormer would face to the rear and therefore any overlooking to the rear of this property would be oblique and not result in material loss of privacy.

CONSULTATIONS

Consultations responses received:

- none

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Class C road

DEVELOPMENT PLAN POLICIES

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

The Form of New Development
Extensions to existing residential buildings

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing
Buildings

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the

unresolved objections, the greater the weight that may be given);

- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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).

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

The proposed flat roofed dormer would be similar to that which exists to the south on the neighbouring property which has had a similar loft conversion, including a rear dormer and the addition of a single roof light to the front of the premises. This proposal includes 3 roof lights on the front roof slope, but they are limited in size and would not dominate the appearance of the

roof or look out of place in the street scene. The rear dormer would be set below the ridge line and would project 1.5m from the roof slope and with the exception of the Juliette balcony would leave a 0.7m gap to the eaves. It would be set back behind an existing 2 storey flat roofed section of the building. The dormer would not therefore appear excessive or bulky in relation to the roof or the area generally in terms of its form, design and siting. It would reflect other development in the locality and would not adversely affect the visual amenities or character of the area. A condition is suggested requiring the materials of the dormer to match the existing roof slope to ensure the dormer is visually integrated into the roof.

The proposal would result in additional overlooking to the rear, but this would not result in a material loss of privacy to adjoining properties.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the 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 neutral 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).

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

report

approved plans: site plan, block plan and Prem/223.

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.

- 3 The materials and finishes of the elevations of the dormer hereby permitted shall match in colour and texture those of the existing roof of the building.

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

- 4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.