

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

REF NO: FG/88/13/

LOCATION: 8 Upper West Drive
Ferring

PROPOSAL: Demolition of existing conservatory and erection of new single storey extension on original conservatory footprint.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the replacement of an existing flat roof conservatory with an extension occupying the same footprint. Height to the roof ridge will be approximately 4.1 metres.
SITE AREA	Approximately 835 square metres.
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by a mixture of timber fencing and hedging.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling that has painted render elevation walls and a tiled roof that is part hipped part gabled. Various small extensions and alterations have been made to the original building, including the flat roof conservatory extension which is attached to the western elevation.
CHARACTER OF LOCALITY	The site is located on a section of residential road that serves what are predominantly detached residential bungalow dwellings. Buildings are set well back from the road and with mature landscaping to frontages helping to screen development and produce a distinctive open and semi-rural character and appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

Tree Preservation Order (no trees to be affected by proposal).

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 extension will replace an existing conservatory on the western elevation which faces out towards the highway. The existing conservatory is largely concealed from view by existing boundary hedging and the proposal, being broadly similar in proportion, will also be well screened. In any case, the proposed extension would not appear out of keeping within its surroundings where a number of nearby dwellings have been extended in a similar fashion. It is therefore considered that there will be no adverse impact upon the character and appearance of the surrounding area.

It is considered that the proposed extension will relate sympathetically towards the existing dwelling in terms of design and scale. Its modest proportions, with the height stepped down from that of the main roof on the dwelling, will ensure that it maintains visual subservience towards the host building. The gable roof design will compliment existing gable ended elements of the dwelling and, by possessing an eaves height that matches that of the main dwelling roof, the extension will appear as a natural continuation of the existing building.

With regards to the amenities of neighbouring residents, the proposed extension is modestly sized and positioned away from boundaries shared with neighbouring residential property. As such, it is considered that it will not appear overbearing towards neighbouring properties or cause undue levels of overshadowing towards them. The windows and roof light serving the proposed extension will be installed in the western and southern facing elevations and face Upper West Drive and Little Drive respectively with no direct or invasive views towards neighbouring properties.

It is therefore recommended that the application is approved, 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 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 it has been determined that its approval would result in a neutral impact 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).

As such, no specific mitigation measures are required.

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:-

Site location plan;
1303/C01;
1303/C02;
1303/SR01;

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

- 3 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 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.