

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

REF NO: FG/95/18/HH

LOCATION: 25 South Drive
Ferring
BN12 5QU

PROPOSAL: Two storey front extension, side/front first floor extension & replacement garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above
RESIDENTIAL DEVELOPMENT N/A
DENSITY (NET)

RELEVANT SITE HISTORY

FG/158/17/HH	Replacement garage	ApproveConditionally 30-11-17
FG/52/16/HH	Two storey & single storey front extensions & front porch.	ApproveConditionally 24-08-16
FP/134/04/	Single storey side extension	ApproveConditionally 16-07-04
FP/144/00/	Kitchen extension and loft conversion	ApproveConditionally 13-10-00

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council: No comments received.

1 letter of neighbour representation has been received, objecting. Their comments are summarised as follows:

Object to the high level window to bedroom 4 on the west elevation:

- This window will overlook our property as it will have a line of sight over the wall and directly into our kitchen. This will lead to loss of privacy.

-No further objection if the window was obscured and non-opening.

- Proposed development gives rise to health and safety concerns as high level work will have to be carried out on or close to the boundary.

- Passageway between properties is in continual use and health and safety issue will have to be addressed and to do so access will undoubtedly be required.

This issue is addressed in Conclusions section of the report.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary

Flood zones 2 and 3

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE:

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1, D DM4 of the Arun Local Plan 2011-2031.

PLANNING HISTORY:

Officers note previously granted application ref: FG/52/16/HH which sought permission for a two storey & single storey front extensions & front porch.

SITE CHARACTERISTICS:

Detached 2 storey dwelling. The property has a large front garden.

CHARACTER OF LOCALITY:

The area is primarily residential with a variety of property styles, including 2 storey detached dwellings and detached bungalows, with some properties set back from the rear of the highway a significant distance while others are set closer.

DESIGN AND VISUAL AMENITY:

The highest part of the proposals would have a ridge height that is set at the same height of the existing dwelling. Officers note that the previously approved extensions, under application ref: FG/52/16/HH, also included front first floor extension which had a ridge height that matched the main part of the host dwelling. Officers consider that this is acceptable, as while the proposals would not be set lower than that of the existing dwelling, the proposal would not exceed the ridge height of the host dwelling and given the extra size would be well integrated.

This application proposes alterations to the existing roof including:

- Addition of a flat roof portion
- Replacing the existing red roof tiles with Marley Eternit fibre cement slates.

From an assessment of the plans the proposed flat roof element would create a crown pitched roof form in a similar but not identical form to the previously granted under application ref: FG/52/16/HH. Officers consider that when the proposal is viewed from outside the application site the flat roof portion would not be significantly visible, as the pitched roof elements around would maintain the effect of a pitched roof. Additionally Officers note that there are a variety of building types and styles within the area and that adjoining property number 23 also features a flat roof element (crown pitch). Therefore officers consider the flat roof (crown pitch) element to be acceptable.

Also proposed is replacing the existing red roof tiles with Marley Eternit fibre cement slates. Officers note that there are other properties within the area that feature slate roofs and therefore consider that the proposed Marley Eternit fibre cement slates would not have a detrimental impact on the streetscene and the surroundings of the wider area. Additionally the proposed extensions would also feature the same roof tiles and as such they would match.

The proposal also includes a 2 storey front extension which would abut the proposed replacement, single storey, garage. Officers consider that this would have the effect of the host property being extended forward of the front elevation by approximately 13.5 + metres. It should be noted that adjoining property number 27 has been extended to the front along the common boundary of the application site by a similar depth to that proposed.

Not out of keeping with the street scene particularly given that the existing dwelling is set well back from the roadside, and that the resultant dwelling would be set back from the roadside by approximately 28.5 metres at its closest.

The proposed materials are as follows:

Doors - Existing: uPVC - Proposed: aluminium.

Roof: Discussed above.

Windows - Existing: uPVC - Proposed: aluminium grey in colour.

Walls - Existing: painted brickwork - Proposed: painted brickwork (white) to match, render White, smooth textured to garage) and cement fibre cladding.

With regard to the proposed cladding it is noted that cladding is not a common feature within the area. However officers consider that given that the proposal is set well within the site, cladding as proposed would be acceptable as it would have an acceptable impact on the street scene. No colour for the cladding has been specified. As such an appropriate materials condition will be imposed upon any grant of planning permission.

Officers consider that the proposals would be of an appropriate size, scale, massing and materials so as to not have a detrimental impact upon street scene and the wider area.

As such, it is considered that the proposals would comply with Policy D DM1 and criteria a, b, d and e of Policy D DM4 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY:

With regard to the proposed windows in the front elevation, Officers note that while the proposed front windows would have a view out toward the highway, an area that is already significantly overlooked. Views would also be available from these windows out toward the eastern side elevation of adjoining property number 23.

Officers note that there are windows in the eastern side elevation of adjoining property number 23 at both first floor and ground floors. These views are considered to be angled and acceptable.

Objection from number 27 has been raised regarding potential overlooking from the proposed high level window to bedroom 4 on the west elevation whereby:

'This window will overlook our property as it will have a line of sight over the wall and directly into our kitchen. This will lead to loss of privacy.'

The Objector states that they would have:

'No further objection if the window was obscured and non-opening'

Amended plans have been received stating that the high level window (not the rooflight) serving bedroom 4, as aforementioned, would be obscure glazed and fixed shut. Therefore Officers consider that no overlooking would be able to occur from this window and as such this would deal appropriately with the neighbours objection.

It is noted that there is a window in the side elevation of present in the side elevation of adjoining property number 27 which serves a kitchen. Previously granted application ref: FG/52/16/HH was amended the previously proposed 2 storey element that came close to this kitchen window such that it would not have a detrimental impact with regards to overshadowing and loss of light to the occupiers at adjoining property number 27. This application sets the proposal in from the common boundary a sufficient distance such that it would not have a detrimental impact on the aforementioned kitchen window in the side elevation of adjoining property number 27.

Officers note the proposed front dormer window which would serve en-suite bathroom 3. It is considered that views out of this window would be out toward the highway and out toward adjoining property number 27. Officers consider that this window would be partly screened by the built form of adjoining property number 27 and any views out over the front screened 'courtyard' area at 27 would be limited. As such it is considered that no detrimental overlooking would occur from the proposed front dormer window.

Officers note that the existing single storey rear extension with balcony atop is to be rebuilt. From an assesment of the plans this would have the same depth, width and height as the existing. The fenestration within the replacement single storey rear extension would differ from that as shown as existing, however from the Officer's site visit and an assesment of the submitted plans it is considered that the proposal would not lead to levels of overlooking over the rear gardens above that of the existing. Officers therefore consider that the proposed replacement single storey rear extension and balcony would not have a detrimental impact upon the occupiers of adjoining properties 23 and 27, with particular regard to overlooking.

1 additional window is proposed into the proposed east elevation at ground floor level. Due to the level of screening, in the form, of hedging along the common boundary officers consider that no detrimental overlooking would occur to the occupiers of adjoining property number 23.

Also Officers consider that the proposed dormer windows would not cause to detrimental overlooking, such that the application should be refused.

It is considered that the proposal would not have a detrimental impact upon the residential amenity of occupiers of adjoining and neighbouring properties with regards to overlooking, overshadowing, overbearing impact and Loss of light/sunlight.

As such it is considered that the proposal would comply with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan 2011 - 2031.

PARKING AND HIGHWAY SAFETY:

The NPPF supports the adoption of local parking standards for both residential and non-residential

development. The Council has adopted the SPG - Parking Standards Arun District 2000 and the standards as set out in the 2003 Arun District Plan. Development proposals should comply with the appropriate guidance as set out within these documents.

Currently there is space for the parking of 3 cars off-road to the front of the dwelling. and garage parking. With no on road parking restrictions. The applicant has confirmed on the submitted application form that the proposed works would not affect the existing parking arrangements.

From an assessment the proposal would adhere with the West Sussex County Council guidance on parking provision. Therefore it is considered that the proposal would not have a detrimental impact on parking and highway safety.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun District Local Plan 2003.

FLOODING AND FLOOD RISK:

The application site is with flood zones 2 and 3. Firstly the proposal is considered to be minor development given the increase in floor area over the existing. The applicant has submitted a Flood Risk Assessment where they indicate that the floor level Floor levels within the proposed development will be set no lower than existing levels. This, Flood Risk Assessment proposes the same as mitigation measure as that previously granted application FG/52/16/HH for extensions to the application dwelling.

As such having regard to previous application ref FG/52/16/HH and the Environment Agency's flood risk guidance it is considered that this application would not have a detrimental impact on flooding or flood risk.

OTHER:

Health and safety concerns with regard to the construction of the proposals, should planning permission be granted have been raised, is summarised below whereby:

'Proposed development gives rise to health and safety concerns as high level work will have to be carried out on or close to the boundary. The passageway between properties is in continual use and health and safety issue will have to be addressed and to do so access will undoubtedly be required.'

Officers note that health and safety issues relating to construction, while important, are not material planning considerations and are covered by other appropriate legislation. The need to access land outside the site and outside of the applicants ownership, such as the aforementioned passageway, would be a civil matter. Should planning permission be granted, it does not automatically give the applicant rights over land outside their control and ownership. e.g. to erect scaffolding.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions.

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:

AR-102-201/A, AR-102-202 A and AR-102-203/B

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 No construction above the damp proof course shall take place until full details, including the colour, of the proposed cladding have been submitted to and approved, in writing, by the Local Planning Authority. The materials so approved shall be used in the construction of the building/extension.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 4 The high level window in the western elevation, serving bedroom 4, shall at all times be glazed

with obscured glass and fixed to be permanently non-opening as shown on Drawing number AR-102-203/B.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and D DM4 of the Arun 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.