

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

REF NO: FP/115/15/HH

LOCATION: 22 Kingsmead
Felpham

PROPOSAL: Single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The single storey flat roof rear extension measures approximately 5m in width, depth of 3.15m and height of 2.8m, with lantern roof light 3.6m.

The lantern roof light measures approximately 2.8m in width, depth of 1.4m with a height of 0.7m.

SITE AREA

Approximately 578 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Front has wooden fencing with trellis approximately 1.5m in height, rear is open then rife, west side boundary has close boarded fencing plus hedging over 2m in height, east side boundary has close boarded fencing 1.5m-1.8m in height.

SITE CHARACTERISTICS

Detached two storey property with front gable, single storey flat roof extension on eastern side, dormer on rear. The property has rendered walls painted white, red tile hanging on upper level of front gable. red tile roof.

CHARACTER OF LOCALITY

Residential comprising detached and semi-detached properties of various styles and designs.

RELEVANT SITE HISTORY

FP/105/95	Demolition of existing garage. Erection of new Refused garage and dependent relative accommodation.	20-12-1995
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FP/224/06/	Demolition of existing single storey garage and replacement with new single storey independant relative annexe with attached garage	Refused 03-11-2006
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REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Environment Agency

Consultations responses received:

Environment Agency

The application falls within the scope of our Flood Risk Standing Advice (FRSA) for householders and minor extensions.

Comments on Consultation responses:

Environment Agency comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

SWA Interest

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [DEV19](#)
[GEN2](#)
[GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
Design of new development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering, Arundel; Barnham & Eastergate; Bersted, East Preston, Felpham, Ferring, Kingston, Littlehampton, Rustington and Yapton.

The Felpham Neighbourhood Development Plan has been made and in this instance it is considered that policy ESD1 applies.

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 detached property is sited on a corner location and backs onto the Rife. It has previously been extended on the rear eastern side with a single storey flat roof extension and the application seeks to extend this structure.

The existing flat roof extension has a width of 5m, depth of 2.7m and a height of 2.8m. The proposed flat roof extension will be the same width and height and will have a rear projection of 3.15m with a total rear projection of 5.85m. To provide for additional light into this area a lantern roof light is to be installed and this will increase the overall height to 3.6m. The extension being of the same size and height is considered to be visually subservient to the host dwelling.

With regard to residential amenity the neighbouring semi-detached property to the east is sited approximately 3m away. On the rear wall nearest the proposal is a small obscure glazed wc window and entrance door. The Council as a consideration in determining planning applications have adopted a 45 degree rule which is a tool that is used to balance the interests of those persons wishing to extend and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. In this instance the 45 degree line has been taken from the middle point of the lounge window and complies with this rule. It is not considered that the extension would give rise to a loss of outlook or daylight to recommend refusal.

The extension being to the rear will not be visible within the street scene, nor would it harm the established character and appearance of the surrounding area or the residential amenities of the neighbouring properties.

It is therefore recommended to approve the application, subject to 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 a neutral impact has 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 approved plans received on 16th June 2015.

Location, Block, Proposed Floor & Elevations Sheet No 1 of 2.
Existing Floor, Elevations, Existing & Proposed Roof Sheet 2 of 2.

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 external walls hereby permitted shall match in colour and texture those of the existing 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 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.