

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

REF NO: FP/127/14/HH

LOCATION: 8 The Midway
Felpham

PROPOSAL: 1st floor extension to front elevation, proposed porch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed first floor extension measures approximately 7.5m in width, depth of 6.3m with a maximum height of 6.5m.

The proposed front porch measures approximately 2.4m in width, depth of 2.4m with a maximum height of 2.7m.

SITE AREA

Approximately 360 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 wall 1m-1.2m in height, north side boundary has close boarded fencing approximately 1.5m in height, south side boundary has close boarded fencing 1m in height with shrubs/tree screening.

SITE CHARACTERISTICS

Two storey detached property with two storey rear extension and single storey front extension, paved driveway to front. The property has brick and rendered elevations, brown tiled roof with brown window frames.

CHARACTER OF LOCALITY

Residential road with detached properties of various styles and designs.

RELEVANT SITE HISTORY

FP/138/98/	Two storey extension and attached garage	Refused 07-01-1999
FP/10/99/	Two storey extension & attached garage (re-submission of FP/138/98/)	Refused 10-03-1999

FP/118/99/	Two storey extension and attached garage.	ApproveConditionally 11-10-1999
FP/61/01/	Proposed amendment to FP/118/99 to extend garage space and to alter previously approved ground floor front elevation	ApproveConditionally 04-05-2001
BR/244/50/A	Kitchen and Garage extensions	Approve 07-09-1956
BR/975/78	Utility Room extension	ApproveConditionally 24-01-1979
BR/313/79	Utility Room extension	ApproveConditionally 06-06-1979

Objection

The Parish Council object to the application on the grounds that the porch is not in keeping with the current street scene.

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19 GEN2 GEN7	Extensions to existing residential buildings Built-up Area Boundary The Form of New Development
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Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP2 Built-Up Area Boundary
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Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
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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: Arundel; Barnham & Eastergate; Felpham.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties, 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 property is located within a residential area of mainly large detached two storey houses or bungalows of individual designs. The properties are set back from the road frontage with a gap between the buildings which gives it a spacious quality.

The detached property has previously been extended with a two storey rear extension and single storey front extension. The application seeks to construct a first floor extension above the front single storey element with a new entrance porch.

The proposed first floor addition will be sited above the ground floor area in line with the side flank walls of the dwelling and will provide bedroom and en-suite accommodation. The hipped roof will be set lower than the main ridge height with the introduction of a front porch. The porch addition which has a hipped roof will be sited on the northern side of the dwelling.

The proposal would be sited forward of the neighbouring properties No 6 and 10. The two storey property to the north No 6 is divided into flats. On the side elevation of this property there are three windows, two on the lower level and one at first floor level and the front elevation has a bay window with two windows at first floor level. In view of its front projection it is considered that the addition of a first floor would create a loss of outlook and daylight to the occupiers.

The two storey property to the south No 10 has a front porch extension. There is a window at ground floor level on the front north side of the dwelling which serves the dining room. In view of its extended height it is considered that the first floor addition would create a loss of outlook and daylight to the occupiers.

The extension with its front projection and porch addition would appear overly dominant and poorly related. With its previous extensions it would be an overdevelopment of the site and overwhelm the modest appearance of the host dwelling.

It is therefore recommended to refuse the application.

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 refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted

application based on the considerations set out in t

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

REFUSE

- 1 The proposed first floor extension and porch addition by reason of its front projection would result in the loss of outlook and daylight to the neighbouring properties. It would therefore be detrimental to the residential amenities of the occupiers of the neighbouring properties and contrary to policies GEN7, DEV19 of the Arun District Local Plan and policies DDM1 and DDM4 of the emerging Local Plan.
- 2 The proposal represents over-development which would be out of character and appearance within the street scene and harm the character and appearance of the area. It therefore conflicts with policies GEN7, DEV19 of the Arun District Local Plan and policies DDM1 and DDM4 of the emerging Local Plan.
- 3 **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 the application within a timely manner, clearly setting out the reasons for refusal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and approval has not been possible.