

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

**REF NO:** FP/132/17/HH

**LOCATION:** 78 Crossbush Road  
Felpham

**PROPOSAL:** Single storey side extension

**SITE AND SURROUNDINGS**

|                            |                                                                |
|----------------------------|----------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above. Flat roof, brick built extension to side/front.      |
| TOPOGRAPHY                 | Predominantly flat                                             |
| TREES                      | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT         | Fence to side                                                  |
| SITE CHARACTERISTICS       | Detached dwelling.                                             |
| CHARACTER OF LOCALITY      | Residential                                                    |

**RELEVANT SITE HISTORY**

|            |                                                                  |                                    |
|------------|------------------------------------------------------------------|------------------------------------|
| FP/220/10/ | Single storey rear extension                                     | ApproveConditionally<br>20-12-2010 |
| FP/7/11/   | Extend existing attached single garage to accommodate 2 vehicles | ApproveConditionally<br>02-03-2011 |

Site history noted

**REPRESENTATIONS**

**Representations received:**

Felpham Parish Council

1 objection:

In front of building line and dividing fence. Infringement of light and view. Reduce right to light and will cast a shadow. Impact value of property. Dominant and overbearing. Not in keeping with house or estate. Land registry documents say nothing should be built forward of the building line.

**Comments on Representations received:**

Comments noted.

Covenants and rights to light are private matters. Loss of property value is not a material planning consideration.

Other issues will be dealt with in the conclusion.

## CONSULTATIONS

### Consultations responses received:

None

### Comments on Consultation responses:

Comments noted

## POLICY CONTEXT

Designation applicable to site:

None

## DEVELOPMENT PLAN POLICIES

|                                                                       |                                               |                                                                                                                                                                |
|-----------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Arun District Local Plan 2003:</a>                        | <a href="#">GEN7</a><br><a href="#">DEV19</a> | The Form of New Development<br>Extensions to existing residential buildings                                                                                    |
| <a href="#">Publication Version of the Local Plan (October 2014):</a> |                                               | D DM1 Aspects of Form and Design<br>Quality<br>D DM4 Extensions and Alterations to<br>Existing Buildings (residential and non-<br>residential)<br>D SP1 Design |
| <a href="#">Felpham Neighbourhood Plan 2014 POLICY ESD1</a>           |                                               | Design of new development                                                                                                                                      |

## PLANNING POLICY GUIDANCE

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

## 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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The relevant policies of the FNDP have been considered in this report.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

##### PLANNING

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 extension is modest in size extending 2.7m forward of the existing side element. This would bring the extension in front of the main part of the dwelling and slightly in front of the garage on the opposite side of the property. The streetscene is characterised by various building types and styles and the modest forward projection would not be out of character with the area. The extension is to be built of brick whereas the house is brick with white render and black wood. However the render wood is at first floor level so it is appropriate for the single storey extension to be built of brick.

The extension is located to the front of the property and the nearest neighbour to the west is set back some distance from the extension. The modest height of the extension would cause some overshadowing but this would be slight and not cause sufficient loss of amenity to the neighbour to warrant a refusal.

It is considered that the application complies with adopted and emerging local plan policies together with ESD1 of the FNDP. The application is therefore recommended for approval subject to 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 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 approved plans:-

BT/P/01 Rev1

Reason: For the avoidance of doubt.

- 3 The materials and finishes of the external walls of the extension 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.