

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

REF NO: FP/133/15/HH

LOCATION: 4 The Midway
Felpham

PROPOSAL: Loft conversion & rear extension. Amendments to approved application
FP/198/14HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed side extension (south) is to be slightly extended in length to the rear by 1.75m. A ground floor window would be removed. On the first floor one window would be removed and one made smaller.

The rear single storey extension remains as approved by the earlier permission apart from the addition of a flue on the east side.

The rear dormer previously approved would be amended by alteration to the design of the windows and the addition of a small centralised window.

The north elevation sees the deletion of a first floor window and the replacement at ground floor level of a high level window with one of a standard design.

To the front a pitched roof porch is added.

Marley weatherboard cladding is proposed at first floor level.

SITE AREA

Approximately 575 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Front has dwarf brick wall plus vegetation, brick piers and entrance gates 1m-1.2m in height, side boundaries close boarded fencing approximately 1.8m in height, rear boundary has hedging approximately 2m in height.

SITE CHARACTERISTICS

Detached two storey property with single storey flat roof garage on south side. The property has brick elevations painted white, brown tiled roof with white window frames.

CHARACTER OF LOCALITY

Residential comprising detached properties of mixed style and design.

RELEVANT SITE HISTORY

Application FP/198/14/HH was approved subject to conditions. This application seeks changes to that application.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

5 letters of objection (but three from the same address so a delegated item):-

Understand intention to remove boundary wall and fence between 6 and 4 and rebuilt utility wall on boundary in the process taking a few inches of narrow access. This boundary is owned by no 6.

Gutters will overhang which will result in damage to neighbouring property if not maintained.

New wall higher resulting in more frequent moss removal from path.

Extension should be 1m inside the boundary to enable maintenance and drainage.

Bedroom in flat will be darker if wall made higher.

Concerned over loss of privacy to rear - assume dormer windows will use obscure glass.

Comments on Representations received:

Noted. The proposal is for minor changes to the previous approval - mostly a projection to the rear side extension and porch to front. There are other changes - generally less windows and the addition of cladding at the first floor. Certificate A has been completed to show all the land is under the ownership of the applicant. A rear dormer could be constructed as permitted development without the need for obscure glazed windows. The dormer would be approximately 25m from the garden to the rear and 20m to the rear of the house at 22 The Grove. The agent has confirmed there would be no gutter overhang as it is designed with a box gutter.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order

No Public Sewer

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
NPPG

National Planning Policy Framework
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.

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).

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 with attached garage was constructed in the late 50's and is sited within a residential road comprising predominantly detached properties of various styles and designs. The application is a re-submission of a previously refused application FP/113/14/HH and previously approved application FP/198/14/HH.

The previous refused application FP/113/14/HH was for a single storey side and rear two storey extension. The two storey extension was refused on the basis that its height and excessive rear projection was not in keeping with the host dwelling and would create a loss of outlook to neighbouring properties.

The revised plans amend the approved proposals are for a single storey front, side and rear extension with a loft conversion comprising a rear dormer. The attached garage on the southern side which is set back from the front flank wall of the property is to be removed. The front elevation would have a projecting porch across the central/southern part of the front elevation. The side extension which will be sited to the southern side will extend along the side boundary by approximately 2.2m to the front of the existing garage and 3m to the rear and will have a pitched roof. The rear single storey addition is largely unchanged apart from the addition of a flue.

The proposed loft conversion which will create a new bedroom and bathroom with small undefined room will comprise a rear dormer with three windows, two serve a bedroom and the other a bathroom. If approved, a condition will be imposed that the bathroom window be obscure glazed. Velux windows are proposed to the front. Velux windows can be installed under Permitted

Development rights.

With regard to residential amenity the neighbouring property to the south No 6 is divided into flats and on the rear southern side there is a single storey self-contained annexe. This annexe is sited approximately 1.5m from the northern side boundary with No 4. The side extension will be sited to the boundary and the rear single storey extension will be set in from the southern side boundary. There are no windows on the side elevations of the rear extension and with its single storey height and roofs sloping away from the boundary it is not considered that the side and rear extension would create a loss of outlook or daylight to the occupiers of No 6 to recommend refusal. The neighbouring property to the north No 24 The Grove is sited approximately 19m away. Whilst the rear extension may be visible above the boundary fencing it is not considered that this would create a loss of outlook or daylight to the occupiers. The rear dormer in view of its size and height could be constructed under "Permitted Development" without the need for the submission of a full planning application. Whilst it is noted that the dormer has the potential for overlooking onto neighbouring gardens it is not considered that this would be of an unacceptable level due to the presence of existing windows at first floor level.

Changes relating to fenestration are largely positive for neighbouring properties as they result in fewer windows. The addition of cladding is not typical of the street which mostly features render at first floor. However the host property is not of a typical design for the street and at least one other dwelling has first floor tile hanging. Therefore the addition of the grey/green cladding would be unusual but not unacceptable. The porch would improve the front elevation of the property.

The extension is considered to be visually subservient to the host dwelling and would not have a significant impact on the visual amenities of the locality or have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefore recommended for approval, 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:-

01 (A4), 01(A3), A101, A102, A103, A104, A105, (all marked THE-15-REVB), A106

Reason: For the avoidance of doubt.

- 3 The bathroom windows in the dormer elevation of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 The cladding hereby approved is Marley Weatherboard colour C06 - grey green.

Reason: For the avoidance of doubt.

- 5 INFORMATIVE:INFORMATIVE: Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over adjoining property.

- 6 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.