

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

REF NO: FP/136/15/HH

LOCATION: 19 Wroxham Way
Felpham

PROPOSAL: Removal of conservatory & erection of rear single storey extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Single storey rear extension measuring 5m (depth), 4.8m (width)- reducing to 4.2m and 2.8m high to replace a smaller extension of 4.9m by 2.2m.
SITE AREA	Approximately 200 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to front. Rear is close boarded fencing approximately 1.8m in height with low wall to garage compound at rear of garden.
SITE CHARACTERISTICS	Terraced two storey property. Large area of garden to front and garden area of approximately 20m.
CHARACTER OF LOCALITY	Mixed character residential area - terraced, detached and semi-detached dwellings either two or single storey.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

2 Letters of Objection

Access to rear is via shared driveway which has already been encroached on both sides making access to two garages difficult. How will debris be removed from site and where will it be stored. Access (and turning) to garage is needed.

2 letters of support

No objections but concern about possible blocking of communal drive.

Support the application as a joined neighbour and do not agree with neighbours concern over garage.

Comments on Representations received:

Objection and support comments noted

The storage of building materials outside of the curtilage and potential blocking of access is a private matter.

CONSULTATIONS

Consultations responses received:

There are no consultees on this application

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN7

Extensions to existing residential buildings
The Form of New Development

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)

Felpham Neighbourhood Plan 2014 POLICY
ESD1

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).

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 plan policies are a material consideration in this application 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 the extension by reason of its size, design and siting would not cause demonstrable harm to the amenities of the neighbouring residents or conflict with the character of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations in this case.

CONCLUSIONS

The rear extension would project beyond the rear of the two neighbouring extensions by 2.8m to 3.1m but would be the same height as the neighbouring extensions. The rear projection would marginally compromise the Council's 45 degree rule regarding the property to the north. However due to the low height of the extension it does not result in a sufficient level of harm due to

overshadowing to result in a recommendation to refuse the application. There would be a similar impact on the dwelling to the south however due to the orientation of the property overshadowing will not cause demonstrable harm and the height and projection of the building is no so excessive that it would result in an overbearing appearance.

The design of the extension would be in keeping with the character of the host dwelling.

Concerns have been raised by two occupiers of the property to the south about access arrangements and the storage of waste during building works. The use of the garage compound for parking of vehicles/storage of waste in relation to the application would be a private matter.

The application is 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

report

approved plans:- Sheet 1 of 2; Sheet 2 of 2.

Reason: For the avoidance of doubt.

- 3 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.