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

REF NO: **FP/141/14/HH**

LOCATION: 24 Ley Road
Felpham

PROPOSAL: Single storey extensions to form new living room & entrance porch & internal alterations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed rear extension measures 5.9 metres in width by 4.3 metres in depth and approximately 5.2 metres to roof ridge height. The proposed porch measures 1.8 metres in width by 3.75 metres in length and 4.2 metres to roof ridge height.
SITE AREA	Approximately 465 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall to front. Western boundary mix of concrete walling and timber close boarded fencing approximately 1.5 to 1.8 metres in height. Other boundaries marked by approximately 1.8 metre high timber close boarded fencing.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling which has brick elevation walls which are painted on the front and rear elevations. The roof is tiled and gabled. No significant alterations or additions have been made to the original dwelling. There is a detached flat roof garage to the side (west) which is set back from the main building.
CHARACTER OF LOCALITY	The site is located on a residential road which is bordered, in the main, by detached bungalow dwellings with occasional chalet style and two-storey properties. Buildings are set back from the road, helping to generate an open and spacious character and appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection but the committee did have concerns over the loss of access to the garage.

Comments on Representations received:

Noted. There is a driveway to the front on which vehicles can park. There are no planning conditions that require that the garage is permanently accessible.

CONSULTATIONS

Consultations responses received:

Noted.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Quality	
	D DM4 Extensions & Alterations to Existing Buildings	
	D SP1 Design	
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development	
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication

at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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).

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

It should be noted that a single-storey extension projecting up to 4 metres from the rear wall of the dwelling and built to a height of 4 metres could be constructed under householder Permitted Development Rights and it is noted that the dimensions of the proposed extension are not significantly in excess of the permitted amount.

The proposed rear extension will have a negligible visual impact within the street scene due to its positioning. The modest scale of the porch and its location set back from the road and the dwelling frontage will mean that it does not appear as a visually dominant feature within the streetscape. It is also noted that a number of similar properties including the neighbouring bungalow to the west, No. 22 Ley Road, have porches of comparable design, scale and positioning. It is therefore considered that the proposed works will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area.

It is considered that the proposed extensions will relate sympathetically towards the existing dwelling in terms of design and scale. Both the rear extension and the porch possess gable roofing which will complement the gable roof design of the existing dwelling. Further, the roofing over both extensions will have an eaves height which matches that of the existing roof, creating a smooth visual transition between the original building and the extensions and thereby strengthening visual integration. The height of both extensions will be stepped down from the height of the main dwelling, ensuring that a visually subservient relationship towards it is maintained.

The proposed extensions are considered to be of modest proportions and, as a result, it is not considered that they will appear overbearing towards neighbouring property. Although the extension will be intersected by a 45 degree line taken from rear facing windows on the neighbouring property to the west, it is not considered that it will cause undue levels of overshadowing due to the modest height of the extension and the fact that it is positioned 2.8 metres away from the boundary with the neighbouring property, lessening its impact. All new openings are at ground floor height and views from them towards neighbouring property will be interrupted by existing site boundary treatment, thereby safeguarding the privacy of the occupants of neighbouring dwellings.

It is therefore recommended that the application is approved, subject to the following 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be implemented.

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:-

117/01;
117/02;
117/03;
117/04;

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 brickwork and roof of the extensions hereby permitted shall match in colour and texture those of the existing dwelling.

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 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 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.