

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

REF NO: FP/143/17/HH

LOCATION: 21 Wyke Lane North
Felpham

PROPOSAL: New single storey extension to existing two storey house with new dormer window added to existing roof

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

The application comprises a single storey side extension which wraps around the front elevation with a front extension. There is also a proposed dormer window in the side roofslope.

The side extension measures approximately 6.95m long, 3.2m wide, and 3.1m high with a dummy pitch roof. The front extension measures approximately 2.5m deep, 7.2m wide and 3.1m high with dummy pitch roof. The proposed dormer is approximately 1.8m wide and 1.7m high.

Materials would match the existing property.

SITE AREA

N/a

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

Trees to the front some are subject to preservation orders.

BOUNDARY TREATMENT

Front boundary has a hedge there are trees to the front. The side boundary has a hedge and timber fence approximately 1.8m - 2m high

SITE CHARACTERISTICS

The application site comprises a two storey semi detached house constructed of render beneath a tile roof. The property is set on a large plot with a rear outbuilding and porch on front elevation.

CHARACTER OF LOCALITY

Residential comprising properties of comparable scale and size. Some have been subject to alterations and extensions.

RELEVANT SITE HISTORY

FP/163/88

Breakfast room extension

ApproveConditionally

08-08-1988

No relevant planning history to the current proposal.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council have no objection subject to dormer window being obscure glazed.

No response to public consultation.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's Tree Officer commented:

There is a small pollarded Ash tree positioned off-site in the neighbours garden at No.19 immediately to the left hand side of the entrance gates.

Within the front garden there is a pollarded Ash tree and a mature Laburnum and outside on the verge o/s No 23 there is a mature Ash tree.

The front garden has been paved.

Conclusions:

The paved frontage to the property offers adequate protection for tree roots so there will only be a need to protect the trunks during construction works - given the small area to store and mix materials.

Recommendations:

NO OBJECTION provided that a condition requiring tree protection is added stating that - 2m tall HERAS galvanised panels are to be located inside the property to encircle and seal off the two tree trunks - they will need to be firmly bolted together and footed securely in rubber blocks.

Comments on Consultation responses:

Comments noted and condition included on permission.

POLICY CONTEXT

Designation applicable to site:

Built up area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
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**

D SP1 Design
SD SP2 Built-Up Area Boundary
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.

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).

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 dwelling is located in an established residential area within the defined built up area where the principle of such development is acceptable subject to scale and form and compliance with adopted Local Plan policies.

Policy DEV19 states that:

"Planning permission will be granted for extensions to existing residential buildings, provided that:-
(1) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;

- (2) the extension is visually subservient to the main building;
- (3) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (4) in streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;
- (5) the extension does not compromise the established spatial character and pattern of the street."

The proposed side extension extends 2.5m forward of the front elevation of the existing house and wraps across the front of the property by 7.2m. The side extension would be sited between 1m from the southern boundary with No.19. The proposed dormer window has a gable roof and is modest in size and is set within the roof margins. The materials would match the existing property. Overall it is considered that the extensions are subordinate to the main house. No objections have been raised by the Council's Tree Officer subject to some protection measures. Therefore, it is not considered that the proposed development would be harmful to the character and appearance of the host property and the wider area.

With regard to the amenity of adjoining occupiers the properties to the north No.23 is sited approximately 3.3m from the proposed front extension and at a slight angle to the development. There is a window in the proposed side elevation however given the siting of the extension it is not considered this would lead to an unsatisfactory level of overlooking. Likewise given its height and depth and it will not infringe a 45 degree line from the neighbouring window, the front extension is not considered to have an adverse impact on the adjoining occupiers of No.23 due to loss of outlook or dominance.

With regard to the adjoining property to the south, No.19, there is no side window in the side extension and the property extends approximately 1m beyond the front elevation of No.19 the development will not infringe a 45 degree line from neighbouring windows and given its height and depth is not considered to give rise to an adverse impact on outlook or privacy of this property.

The dormer window faces the neighbouring property, No.19 and serves the stairwell. However, to ensure no potential overlooking it is recommended that the window should be obscure glazed and this can be controlled by means of a condition.

Therefore, in summary, it is not considered that there would be any adverse harm to the living conditions of neighbouring properties or the character of this semi-rural area. The proposed development would comply with adopted policies in the Arun Local Plan and the Felpham Neighbourhood Plan.

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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

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 .3837/01A, 3837/02, 3837/03, 3837/04, 3837/05A, 3837/06A, 3837/07, 3837/08A, 3837/09A, 3837/10 & 3837/11.

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 walls and roof of the extensions 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 The dormer window on the south elevation of the building, facing No.19 Wykes Lane North, 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.

- 5 No development including site access, demolition or associated construction activities, shall take place on the site unless and until 2m tall HERAS galvanised panels are located inside the property to encircle and seal off the two tree trunks, the panels should be firmly

bolted together and footed securely in rubber blocks.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 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.