Recommendation Report for Planning Permission

REF NO: FP/14/26/PL

LOCATION: Flat 2 St Marys Court 32 Limmer Lane
Felpham
PO22 7EU

PROPOSAL: Replace existing rear conservatory roof and fenestration.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Flat 2, St Mary's Court, 32 Limmer Lane is a ground-floor flat within a block of 4 No.2 bedroom units. The building forms part of a purpose-built residential development, constructed circa 1990s. The surrounding area is predominately residential in character, comprising a mix of detached and semi-detached dwellings with varied architectural styles.
CHARACTER OF LOCALITY	Residential.

No relevant planning history.

REPRESENTATIONS

Felpham Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

DRAINAGE ENGINNERS - No response received.

POLICY CONTEXT

Built-Up Area Boundary.
Lidsey LFRZ.
Flood Zone 3.

Adjacent to Felpham Conservation Area to the west.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Felpham Neighbourhood Plan 2019-31 Policy ESD1 Quality of Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 proposal would not result in harm to visual amenity or neighbouring properties.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG).

CONCLUSIONS

DESIGN AND VISUAL AMENITY
The site is a ground floor residential flat located within the building of St Mary's Court, 32 Limmer Lane. The proposal seeks planning permission to replace the existing rear conservatory roof and alterations to fenestration.

The proposed replacement roof would be finished in 6 No. grey Ultra Frame Living Roof Aluminium thermal panels and 2 frosted double-glazed glass panels located centrally within the conservatory roof. Fenestration on the southern elevation comprise two, two-casement windows either side of a set of double doors and four two-casement windows on the eastern elevation. All fenestration would be finished in white UPVC.

Given that the replacement conservatory roof and fenestration would be similar in size and scale as the existing and not alter the height of the conservatory or the overall footprint of the flats, the proposal would not result in harm to visual amenity.

The alterations would be visually subservient to, and integrated with, the host building, in accordance with part M of Arun Design Guide. The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4, and the Arun Design Guide (ADG) and Felpham Neighbourhood Plan (FNP) policy ESD1.

NEIGHBOURING RESIDENTIAL AMENITY
Given the scale, siting, and nature of the development, and that the height of the conservatory would not be altered nor the footprint increased as a result of the proposal, the proposal would not give rise to overbearing or overshadowing impacts to any neighbouring properties.

The proposed conservatory roof and fenestration would be of the same size and siting as the existing, which would be replaced. As such, the proposal would not result in any additional overlooking when compared to the current situation. Therefore, the proposal is in accordance with Arun Local Plan policies D DM1 and D DM4, and the ADG.

LIDSEY LOCAL FLOOD RISK ZONE
The site is located within the Lidsey Flood Zone and therefore is in an area of increase water capture and surface water flood risk, so the proposed development needs consideration under Arun Local Plan policies W DM1 and W DM3 and the National Planning Policy Framework (NPPF).

Paragraph 181 of the NPPF (2024), states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The Drainage Engineers have been consulted on this proposal; however, no response has been received. Given that the replacement conservatory roof and fenestration would not increase ground impermeability in this area and would replace the roof and windows over an existing structure, the proposal would not result in any increase to flood risk. Therefore, the proposed development would be in accordance with Arun Local Plan policies W DM1 and W DM3, and the NPFF.

FLOOD RISK
The site is located within the Flood Zone 3, an area of increase flood risk so the proposed development needs consideration under Arun Local Plan W DM2 and the NPPF.

The proposed conservatory roof and fenestration would be of the same size and siting as the existing, which would be replaced and would not alter the footprint of the building. Therefore, the proposed development would not result in an increase in flood risk, and the proposed development would be accordance with Arun Local Plan policy W DM2.

SUMMARY
The proposed development is in accordance with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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

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.

SECTION 106 DETAILS

This application is not Section 106 liable.

CIL DETAILS

This application is not CIL liable.

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:

- Location Plan.
- Block Plan.
- Elevations and Roof Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value grater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.