

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** FP/150/17/HH**LOCATION:** 93 Limmer Lane
Felpham**PROPOSAL:** First floor rear extension over existing dining room & front elevation alterations including replacement porch.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

Continuation of existing roof over existing single storey rear extension to create first floor living accommodation and front extension involving removal of front balcony and relocating a first floor front window and continuation of roof to form cat slide roof over extended porch.

SITE AREA

0.05 hectares.

TOPOGRAPHY

Steep slope from road then flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m fences to each side and

SITE CHARACTERISTICS

Detached two storey dwelling with cat-slide gable roof attached garage and existing single storey flat roof element. The property is set back from the road with driveway and gardens to front and rear.

CHARACTER OF LOCALITY

Private seaside, residential estate formed of detached dwellings on medium sized plots, set back from the road with off street parking and rear gardens.

RELEVANT SITE HISTORY

BR/1124/72	Swimming Pool and ancillary buildings	Permit'd Devel 29-12-1972
BR/72/77	Proposed sun lounge	ApproveConditionally 02-03-1977
BR/471/80	Proposed extension to front of existing integral garage	ApproveConditionally 02-07-1980

BR/983/84

Swimming pool cover

ApproveConditionally

23-01-1985

Existing rear extension and front porch granted planning permission in 1977 and 1980 respectively.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Objection.

Due to screening problems - needs obscure glass screening at recommended regulated height to provide privacy for neighbours.

Comments on Representations received:

It is not considered that the first floor rear windows would lead to overlooking of the rear gardens of neighbouring properties as they are at an oblique angle and overlook the host dwelling's garden. It is not considered to increase communal overlooking to a harmful level. The proposed side facing roof light will serve a bathroom so can be conditioned to be obscure glazed and fixed shut to a height 1.7m above finished floor level.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

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 DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
QE SP1 Quality of the Environment
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 has taking place. 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. The examination is due to re-commence in Autumn 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).

Felpham NDP policy ESD1 is relevant to this application.

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 conflict with relevant Development Plan policies in that the rear extension would not be subservient to the host dwelling.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

In this instance whilst the rear extension would not be subservient to the main dwelling, it would be located to the rear of the house with a limited impact on the street scene. Furthermore, the form of the rear extension would be in character with the main house and retain its character as a detached two storey dwelling. In this instance an exception can be made to policy as the it considered that the development 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.

CONCLUSIONS

PRINCIPLE

The site is within the built up area boundary, where the principle of development is acceptable in line with saved policy GEN2 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The rear element of the proposal will be a continuation of the existing roof form over the existing single storey rear extension. Whilst this is not considered to be subservient to the main dwelling, it is considered to respect the character of the host dwelling and will retain its appearance as a two storey detached dwellinghouse. In addition, it would not be directly visible from the street scene thus having a limited impact on visual amenity. Materials to match have been proposed and will be controlled via condition.

The front extension is considered to be subservient and in character with the design of the house. Drawing on the uneven gable roof design of the host dwelling. It is considered to be a visual improvement to the appearance of the dwelling to the front replacing the existing flat roof porch and using materials to match existing to blend in with the overall style of the property.

Details of the proposed cladding will be required via condition before development above damp proof course can take place.

The development is considered to be acceptable in terms of design and visual amenity, in line with saved policies GEN7, DEV19 and Felpham NDP ESD1.

RESIDENTIAL AMENITY

The rear extension is not considered to be overbearing or visually intrusive to the amenities of

number 95 as it would be set approximately 2m away from the east side boundary and 4.5m from the side wall of number 95. Furthermore, whilst it would be two storey it would be 4.5m high to eaves and have a roof which recedes away from the east. Thus the impact on number 95 in terms of visual intrusion is considered to be acceptable.

No 95 and 91 have no existing side facing windows in their main side wall elevations and the development passes the 45 degree line to the nearest rear facing windows of both number 95 and 91 Limmer Lane. In addition given the separation distance of the rear extension from the Number 91 and 95 it is not considered the development would result in overshadowing or loss of light to habitable room windows or immediate outdoor amenity spaces.

The proposed rear first floor windows would face over the host dwelling's own garden and are not considered to increase communal overlooking to neighbouring rear gardens to an unacceptable level, above existing. A west side facing roof light is proposed facing number 81s conservatory. A condition will be imposed on this roof light/ window for it to be obscure glazed and fixed shut to a height 1.7m above finished floor level. This will reduce the potential overlooking to the conservatory at number 93.

The side window at first floor level in the east elevation would face the blank side wall of number 95. As such, it is not considered necessary that this window be obscure glazed and fixed shut via condition.

The front extension is a modest alteration to the existing layout and is not considered to have a significant impact on residential amenity in comparison to the existing front extension.

The development is considered to be acceptable in terms of impact on residential amenity in line with saved policies GEN7 and DEV19 of the Arun District Local Plan.

The application is considered to be in line with the requirements of the Development Plan and is recommended for conditional approval.

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:-

228/01
228/04
228/05
228/06

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 details the horizontal weatherboarding shall be submitted to and approved by the Local Planning Authority before development above damp proof course (DPC) is commenced and the materials so approved shall be used in the construction of the extensions.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The materials and finishes of the external walls and roof not including horizontal weatherboarding, 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.

- 5 The first floor roof light/window in the east facing roof slope of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a height 1.7m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance

with policies GEN7, DEV19 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.