

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

REF NO: FP/154/15/HH

LOCATION: 20 Glynde Crescent
Felpham

PROPOSAL: Two storey side extension & rear flat roofed dormer - Resubmission of
FP/113/15/HH

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The side extension widens the house by 2.4m, will be built to the boundary at ground floor but stepped in by 0.5m at first floor. It extends at ground floor level to the front to match the porch. The side extension finishes at the same height as the existing. The rear dormer adds a 4th bedroom within an enlarged roof space.

SITE AREA

0.03 Hectares.

RESIDENTIAL DEVELOPMENT DENSITY

N/A.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

1.8m close boarded fencing to sides & rear.

SITE CHARACTERISTICS

Two storey semi-detached brick & tile house with rear conservatory and gap to side boundary. Existing converted loft. Space for 3-4 cars to park off-road at the front.

CHARACTER OF LOCALITY

Residential area. Mix of semi and detached dwellings. The neighbour (22) has a rear dormer within the pitched roof slope of their existing single storey rear extension. Further dormers on properties to the rear. 1 Bursledon Close has rear principal windows facing the side of no. 20.

RELEVANT SITE HISTORY

FP/204/03/	Single storey side & front extension	ApproveConditionally 07-11-2003
FP/113/15/HH	Two storey side extension & rear flat roofed dormer.	Withdrawn

13-07-2015

FP/113/15/HH proposed a two storey side extension right to the boundary and was withdrawn following officer advice.

REPRESENTATIONS

Representations received:

Felpham Parish Council

"Objection - Does not appear to be 1 metre gap to boundary at first floor level"

One letter of objection:

"Since moving to Felpham 5 years ago we have made every effort to preserve and enhance the environment we live in - even to the extent of asking the council to plant two trees at our own expense in the public area (arboretum) next to our property. In addition, we took down a eucalyptus tree, which was threatening to overpower the rest of the garden. We were also responding positively to the comments of our neighbours at 20 Glynde Crescent, as the branches were too close to their window. Furthermore it had drastically reduced the light to both gardens. Since the removal of that very tall tree the garden has thrived as we have planted other shrubs and the elderberry tree has blossomed considerably. As a direct result the bird life has increased too. We are afraid that the possible extension will not only restrict the light coming in to our garden but that it will work against everything that we have tried to do to preserve the environment and the future of the planet. We would like our comments to be taken into consideration re the proposed build of a 2-storey extension at the rear of our property up to the boundary fence - a fence that we have recently erected after the storms."

Comments on Representations received:

The comments of the Parish Council and those of the neighbour (in respect of light) are dealt with in the Conclusions.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
PD Restriction;
Open Plan Condition; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
DEV19

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

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design
Quality

Felpham Neighbourhood Plan 2014 POLICY
ESD1

D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
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.

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.

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

The proposed rear dormer (in part) could be permitted development in accordance with the General Permitted Development Order 2015.

CONCLUSIONS

PRINCIPLE

The site is located within the built up area boundary where the principle of extending a property is acceptable.

THE PROPOSAL

The proposal involves a two storey side extension extending to the boundary at ground level and set in at first floor level by 0.5m, a ground floor front porch and a rear roof level dormer. It is considered that the rear dormer (in part) could be built utilising existing permitted development rights.

DESIGN & CHARACTER

The side extension widens the dwelling by 2.4m at ground floor and by 1.8m at first floor. DEV19 states at (iv) in respect of side extensions that:

"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"

This only applies in streets characterised by relatively small gaps first floor level between buildings and should not be applied universally. The extension will be to a boundary that is side on to an existing rear garden and gaps at first floor level are not small. The first floor element is set in by 0.5m to minimise any impact on 1 Bursledon Close and to make the side extension subservient.

The porch is acceptable as it matches with the existing porch. With regard to the rear dormer, notwithstanding that it is largely permitted development, it has been designed to be subservient to the existing roof by setting it in at the sides and top/bottom.

RESIDENTIAL AMENITY

In respect of the potential for loss of light to 1 Bursledon Close, it is noted that the neighbours existing garden is around 10.2m in length and that it lies to the west of the proposed extension. Any loss of light will occur in the mornings when the sun is moving around from its eastern position to its midday southern position. This loss of light will affect the neighbours garden and not rear windows which will be some 10.7m from the side of the extension. This may have some impact on the ability to grow certain things in the garden but Policy DEV19 protects the living conditions of residents and not the ability to grow things in gardens. It is also noted that the applicant has further amended the scheme by reducing the width of the rear dormer by setting it in a further 0.3m from the eastern flank wall. This further reduces the impact of the two storey extension on the neighbouring property.

There are no privacy issues associated with the side extension as all proposed flank windows are shown to be high level and obscure glazed. Conditions are proposed to prevent any additional windows from being formed in the flank elevation and to ensure the proposed flank windows are obscure glazed and non-opening.

SUMMARY

The proposed extensions will not result in harm to the streetscene or to the amenities of the neighbouring properties. It is recommended that permission be granted 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 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

1:500 Block Plan;
Drawing 1505032/1A; and
Drawing 1505032/2A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 & DEV19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extension 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the western wall of the extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 & DEV19 of the Arun District Local Plan.

- 5 The three windows on the western elevation of the extended building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

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.