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

REF NO: **FP/160/13/**

LOCATION: 15 Halliwick Gardens
Felpham

PROPOSAL: Alterations and extensions; ground floor side and rear extensions, new roof with 1st floor accommodation, new porch. Resubmission following FP/94/13/.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 372 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has dwarf wall with wooden fencing approximately 1.5m in height, rear has close boarded fencing + hedging approximately 2m in height, east side boundary has close boarded fencing + trellis approximately 2m in height, west side boundary has close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached bungalow with attached flat roof garage on western side with conservatory on rear (to be removed). The property has painted brickwork on lower level with rough rendered walls on upper level painted cream.
CHARACTER OF LOCALITY	Residential comprising detached bungalows of similar style and design.

RELEVANT SITE HISTORY

FP/94/13/	Ground floor side and rear extensions, new roof with 1st floor accomodation and new porch.	Refused 07-08-2013
BR/22/48	Sun parlour	Approve 15-09-1948
BR/116/60	Additions	Permit'd Devel

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

The application is a re-submission of a previous refused application FP/94/13 for a rear and side extensions and roof alterations to provide first floor accommodation. It was refused on the basis that the extended roof line in view of its size and bulk would adversely affect the continuity of rooflines in the vicinity.

The garage is sited to the west side boundary and this will be removed and the proposed extension will be sited approximately 1m from the neighbouring boundary with No 11. It will extend along the west side boundary and link up with the rear extension to a depth of 13m. There is an existing flat roof extension on the rear with a conservatory and kitchen extension and both structures are to be removed. The rear extension will be 9.7m in width, depth of 4m with a maximum height of 3.9m. On the east side elevation there is a covered area that is set back from the front of the dwelling by approximately 4.3m. This structure will be removed and replaced by a single storey flat roof extension that will be sited to the eastern side boundary and set back from the front of the dwelling by 0.3m. The existing bungalow has two windows on the east side elevation which serve the dining room and the proposal will have a bathroom and kitchen window, the bathroom being obscure glazed. It is not considered that the windows would be visible due to the covered way to neighbouring properties in Southview Road.

The proposed pitched front porch is approximately 3.2m in width, depth of 1.3m with a maximum height of 3.7m. There are various porches on the northern side of Halliwick Gardens and whilst it is noted that there are no other porches present on the southern side of Halliwick Gardens a smaller porch with a floor area not exceeding 3 square metres and a height of 3m or less could be constructed under "Permitted Development" without the need for the submission of a formal planning application. It is considered that the porch is of a scale and height that would not harm the appearance of the host dwelling or character and appearance of the street scene.

The roof alteration and conversion to create two bedrooms and a bathroom has reduced the bulk of the extension when viewed from the east and west with the provision of a front hipped dormer. When viewed in the street scene the overall shape of the dwelling will remain.

With regard to residential amenity the neighbouring property to the west No 11 is sited approximately 3m away. The roof which slopes away from the western side boundary and rear single storey extension are not considered to have a detrimental impact on this property by way of harmful overshadowing, loss of outlook or overlooking. The properties to the east in Southview Road and in particular Nos 10 and 12 are sited approximately 5m-8m away. No 10 has a pitched roof garage which is sited in the rear garden adjacent to the side boundary with No 15. With its

roof sloping away from the boundary and single storey addition on the side and to the rear it is not considered that the proposal would create a loss of outlook or harmful overshadowing to the occupiers of Nos 10 and 12. With the addition of a roof light on the east side which will serve a landing and a roof light on the western side which will serve a bathroom it is not considered that these would create any harmful overlooking to the occupiers of No 11 Halliwick Gardens and 10 & 12 Southview Road.

It is noted that the roof height will be higher than neighbouring properties to the west in Halliwick Gardens. However, in view of its position at the far end of the road and neighbouring properties in Southview Road which are two storey in height it is not considered that this would be of an obtrusive nature, nor wouuld it harm the residential amenities of neighbouring properties.

The application is therefore recommended for approval, subject to 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 a neutral impact has 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).

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/Block/Existing Floor Drg No 1 Rev B, Site/Roof, Proposed Ground & First Floor Drg No 3 Rev C, Proposed Elevations Drg No 4 Rev B received on 11th October 2013.

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 bathroom window on the rear elevation of the extension shall at all times be glazed with obscured glass..

Reason: To protect the amenities and privacy of neighbouring properties in accordance with policies GEN7, 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.