

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

REF NO: FP/160/15/HH

LOCATION: 3 Summerhill Close
Felpham

PROPOSAL: Two storey side extension & conversion of existing garage to bedroom & utility room.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

The proposal would replace the existing single storey rear element of the property and create a 5.7m two storey rear extension, projecting 2m deeper than the existing two storey rear element. The extension would have a pitch to flat roof and be 5.8m high to top of roof.

The conversion of the side garage to habitable room would also involve and increase in height of the existing garage by 65cm and include a dummy pitch to each end.

SITE AREA

687m²

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m close boarded fence to both sides and rear boundary.

SITE CHARACTERISTICS

The property is a bungalow with two storey rear extension with living accommodation extended out of the roof. The property has a half hipped red tiled roof with wood cladding to the front and tile hanging to the rear white render and exposed brick under the ground floor windows. The building is set back from the road with front and rear gardens and two driveways to front.

CHARACTER OF LOCALITY

Uniform detached bungalows with various extensions, set back from the road with gardens and driveways to front and gardens to

rear. Suburban residential location.

RELEVANT SITE HISTORY

FP/184/87	Ground and first floor extension	ApproveConditionally 05-10-1987
FP/38/88	Alterations to roof of approved extension to kitchen and bedrooms.	ApproveConditionally 14-03-1988
FP/76/93	Conservatory extension	ApproveConditionally 19-07-1993

Existing two storey rear extension approved by FP/184/87/PL.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Object on the grounds that the first floor extension is not set 1m from the boundary.

Revised comments- No objection.

Comments on Representations received:

This was an incorrect observation from the Parish as the extension would be set 3.1m off the boundary with the neighbouring property of 1 Summerhill Close. When contacted the Parish amended their response to no objection.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary
Adopted Local Plan
No Public Sewer

DEVELOPMENT PLAN POLICIES

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

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

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-

**Felpham Neighbourhood Plan 2014 POLICY
ESD1**

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

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

DESIGN AND VISUAL APPEARANCE

The garage conversion would see a window, single door and bricks to match existing replace the window and door arrangement and include a dummy hip to front and rear.

There would be a limited view of the proposed rear extension from the street scene given it is to the rear of the property. The extension will have a pitch to flat roof and match the appearance of the existing two storey rear element of the property. As such it is not considered that the rear extension would alter the character of the property to a harmful extent.

Materials to match existing have been proposed and will be controlled via condition.

IMPACT ON NEIGHBOUR AMENITY

The main neighbour to be effected by the proposal would be number 1 Summerhill Close. However, given the large rear extensions that have been added to this neighbouring dwelling, the proposal is not considered to have an overbearing or visually intrusive impact on the amenities of this dwelling. There are also no windows of number 1 Summerhill Close facing the proposal, therefore there would be no loss of light from the proposal. However, it is considered reasonable to include a no further windows or openings condition on the north facing elevation of the two storey side extension as any clear windows could lead to damaging overlooking onto number 1's rear garden. The proposed side window in the first floor proposed will be controlled to be obscure glazed and fixed shut to a height 1.75m above finished floor level by condition as it serves a bathroom and could create loss of privacy to number 1 should it not be obscure glazed.

The proposal is considered to be acceptable in terms of impact on neighbour amenity.

The proposal is recommended for conditional approval.

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 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 (negative, Neutral or positive) 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 assessment of the proposal is considered to have a neutral impact.

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:

Drawing 3/5
Drawing 4/5
Drawing 5/5

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

- 3 The materials and finishes of the external walls and roof of the extension 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.

- 4 The windows on the north elevation of the two storey extension hereby approved shall at all times be glazed with obscured glass, fixed to be permanently non-opening to a height 1.75m 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.

- 5 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 north elevation (facing number 1 Summerhill Close, Felpham) of the two storey rear 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.

- 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 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.