

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

REF NO: FP/167/25/HH

LOCATION: 7 Lindsey Court
Felpham
PO22 8JQ

PROPOSAL: Erection of self contained annexe in rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

FP/133/22/HH	Erection of self contained annexe in rear.	ApproveConditionally 21-09-22
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REPRESENTATIONS

Felpham Parish Council have objected to the proposal, raising concerns about parking, access, proximity to the boundary to allow for maintenance and unclear plans.

Four letters of objection have been received from nearby occupiers. Summary of responses:

- Harm to protected trees
- Additional noise and disturbance
- Provision of access for regular maintenance
- Overdevelopment of the site
- Unsympathetic materials
- Use of the annexe

The plans and elevations provided have been drawn to an accurate scale and can be scaled and measured. The Site and Location Plans clearly show the location of the annexe in comparison to the host and neighbouring dwellings.

Conditions have been attached to the decision in the interest of both the use of the annexe and protected trees at the rear.

The matters of parking and access have both been addressed below in the conclusions section, as have design and neighbouring impacts.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - No response received.

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)
ENVDM4	ENV DM4 Protection of trees

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS**DESIGN AND VISUAL AMENITY**

The site includes an L-shaped single storey dwelling with flat roof extensions to the side and rear. The proposal is for a self-contained annexe in the rear garden. The application follows a previous approval for a self-contained annexe in the same location, submitted in 2022. The current proposal is identical to the previously approved application.

The annexe would have a footprint of 9.6m x 6.5m and a hipped roof form with a ridge height of 4.5m. A lightweight, open porch is proposed on the front elevation, which would protrude approximately 1m. The annexe would include one bedroom, one bathroom, a kitchen and living accommodation. The annexe would have an ancillary use to the host dwelling (which would be secured by condition), replacing three outbuildings currently in situ.

The annexe, though reasonably substantial, would be of an appropriate size for its use and location within the residential curtilage of the host dwelling. As the annexe would be a more substantial building than those proposed for demolition, the proposed materials (render and tiles) are considered appropriate. The annexe would be well screened by trees to the north and east.

Set in the western corner of the site, the annexe would not be visible from the street scene, and as such, would not result in harm to the character of the locality. As the property will remain a single dwelling, and a condition is attached to this planning permission to ensure that the annexe would remain ancillary to the host dwelling, the spatial character of the area will not be compromised by the development.

Given that there are currently three sheds/outbuildings in the rear garden (proposed for removal) and the size of rear garden area that would be retained, the proposal would not constitute overdevelopment and would be acceptable in accordance with Arun Local Plan policy D DM1.

The proposal is in accordance with Arun Local Plan policy D DM1 in regard to design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

The annexe would be adjacent to the west, south and north site boundaries of the application site.

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The rear boundary of the neighbour to the north (number 3 Red Barn Crescent), adjoins the northern boundary of the application site. The proposed annexe would be constructed within close proximity of the northern boundary. However, given the 13m distance between the annexe and the rear elevation of this neighbour, and the mature trees on the site boundary, the proposal would not result in undue overbearing or overshadowing impacts.

The annexe would be adjacent to the site boundaries with neighbours to the east and south (5 Lindsey Court and 19 Whitelands). At its closest point, the annexe would be 14.5m away from the rear elevation of 5 Lindsey Court and 22.5m away from the rear elevation of 19 Whitelands. The annexe would be approximately 2m higher than the existing boundary treatment. As such, there would be some overbearing and overshadowing effects to these neighbours arising from the height of the annexe, however these would be isolated to the rearmost part of the gardens serving these neighbours. Given this, and the distance from the annexe to the neighbouring dwellings, the proposal would not result in unacceptable harm to neighbours by way of overbearing or overshadowing impacts.

Two windows and a door, flanked by full-length glazing, are proposed on the east elevation. Bifolding doors are proposed on the north elevation, opening on to the rear garden. As the annexe would be single storey, the proposed fenestration would be at ground floor level, facing either towards the centre of site or north on to the garden boundary. These views would not result in harm to neighbouring amenity by way of overlooking and could be achieved from the existing rear garden.

An objection submitted by a nearby resident raised concerns about noise and disturbance. The proposal does not seek to introduce a new use to the site; the building would be ancillary to the host dwelling. Some increased noise may be heard from the rear gardens of 5 Lindsey Court and 19 Whitelands, however, given the residential nature of the locality, this would not be out of character or unduly harmful.

The proposal is in accordance with Arun Local Plan policy D DM1 in regards to neighbouring residential amenity.

PARKING AND ACCESS

Given that the annexe would be ancillary to the host dwelling, a separate access to serve the annexe is not required. There are at least two policy compliant parking spaces provided on site (the Arun Design Guide advises standard parking spaces should be 5m x 2.5m) and substantial on-street parking. As such, the proposal is acceptable in this regard, in accordance with the Arun Parking Standards.

TREES

The Council's Tree Officer has been consulted on the application, in regard to preservation of the protected trees under preservation orders BOGNOR NO.9 and TPO/FP/1/07. No response has been received to date. However, the current application is accompanied by a Tree Survey and Report prepared by Beechdown Arboriculture Ltd dated July 2022 which includes a comprehensive Tree Protection Plan. As such, the proposed development would not result in harm to the adjacent protected trees, subject to a condition to require the development to be carried out in accordance with the submitted details. The proposal is therefore in accordance with Arun Local Plan policy ENV DM4.

SUMMARY

The proposal is in accordance with Arun Local plan policies D DM1, D DM4 and the Arun Design Guide; as such, it 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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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 and details

- Plans and Elevations
- Site Plan and Location Plan
- Tree Survey and Report, Beechdown Arboriculture Ltd July 2022

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

- 3 All activity at the site is to be carried out in strict accordance with: Tree Survey and Report, prepared by Beechdown Arboriculture Ltd dated July 2022.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with Arun Local Plan policies ENV DM4 and D DM1.

- 4 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 7 Lindsey Court as an ancillary annexe and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 5 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 for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

- 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.