

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

REF NO: FP/191/25/HH

LOCATION: Driftwood
91 Limmer Lane
Felpham
PO22 7LP

PROPOSAL: Demolition of existing car port and conservatory. Single storey rear and side extensions.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
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RELEVANT SITE HISTORY

FP/224/08/	Proposed ground floor & first floor extensions together with new double garage.	ApproveConditionally 23-12-08
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REPRESENTATIONS

Felpham Parish Council - No objection.

10 letters of objection received:

- Estate covenant in place stating that a gap of 1.2m from the building to the boundary should be maintained.
- Out of keeping.
- Proposal would feel cramped and overcrowded.

1 letter of support received.

Comments noted. Private estate covenants are not a material planning consideration and therefore do not form part of the assessment of this application. The applicant is advised that, whilst planning permission can be granted for a development, they are required to comply with all other legislation and legal covenants.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Within Built-Up Area Boundary

2km Buffer for Site of Special Scientific Interest

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)

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 is a detached two storey dwelling located along Limmer Lane. This application seeks planning permission for the demolition of the existing side car port and rear conservatory, and the construction of single storey side and rear extensions and amendments to the existing front porch. The works will be partially visible from the street scene and would be constructed from materials to match the host dwelling.

The single storey side extension would partially replace the existing car port and would have a width of 3m and a depth of 10.7m with a crown pitched roof with a maximum height of 3.6m and an eaves height of 2.5m. Although the side extension would alter the appearance of the dwelling, it would partly replace an existing car port, and it is noted that the street scene of Limmer Lane is varied in terms of extensions and alterations. As such, the extension would not appear at odds within the street scene.

According to the Arun Design Guide (ADG), side extensions should respond to building design in terms of roof pitch and use complementary and integrated materials and elevational design. Although the extension would occupy the entire depth of the host dwelling, the proposed extension would not unduly obtrude on the host dwelling. The extension would retain the character of the property by featuring materials that match the existing dwelling. The roof of the side extension would be set down from the ridge line as a subservient addition and given that the proposed side extension would feature materials that match the existing dwelling, the proposed side extension would not result in harm to the character of the host dwelling.

Part M of the ADG states that in streets characterised by small gaps between buildings, extensions must not close important gaps within the street scene or create a terracing effect. This is generally achieved by ensuring extensions are set at least 1m from the side boundary at ground floor level. Although the proposed extension would be positioned 0.7m from the side boundary, it would not reduce the existing separation to the boundary, instead it would increase the distance by 0.3m compared with the current arrangement. It is noted that several objections have been received referring to an estate covenant requiring a 1.2m separation distance. However, such covenants are not a material planning consideration and fall outside the scope of the planning process. Compliance with any private covenant remains a separate matter for the applicant to resolve independently.

The proposed single storey rear extension would replace the existing conservatory. It would have a width

of 3.7m and a depth of 3.4m with a crown pitched roof with a maximum height of 3.6m and an eaves height of 2.5m. The ADG states rear extensions should respond to the distinctive characteristics of the building and surrounding area, preserve external garden amenity space and exploit opportunities for innovative and contemporary design where appropriate. Rear extensions which project up to 3.3m are generally acceptable, the proposed extension exceeds this by only 0.1m. The proposed rear extension would not extend as far as the existing conservatory which it would replace. As such, the extension is acceptable, particularly as it would maintain a substantial separation distance of approximately 30m from the rear boundary fence. As such, the extension would not result in demonstrable harm to the character or appearance of the host dwelling.

To the principal elevation, the front door is to be replaced, and two windows are proposed within the existing porch area. These fenestration changes would introduce more glazing to the front elevation and would not disrupt the existing layout of the front elevation and would be an acceptable alteration.

The proposal would not result in harm to the character and visual amenity of the dwelling or the surrounding area in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4.

NEIGHBOURING RESIDENTIAL AMENITY

Part M of the ADG states householder extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows.

The site has neighbours on both sides and to the rear. The proposed single storey side extension would be set in 0.7m from the boundary with the western neighbour, No. 89 Limmer Lane, which is 0.3m further away from the boundary than the existing car port. Given the scale and height of the side extension, the proposed side extension would not result in any overbearing or overshadowing effects to neighbouring properties. All fenestration associated with the extension would be at ground floor level on the rear elevation and would not result in overlooking effects.

The rear extension would maintain a distance of approximately 30m to the rear boundary. The rear extension would replace an existing conservatory and would not increase the footprint any further to the side or rear boundaries. The flank-to-flank distance of the single storey rear extension with the east neighbour, 93 Limmer Lane, would be 3m, and the distance to the boundary is the same as the existing conservatory, approximately 1.1m. Given the rear extension would replace an existing structure, it would not result in any harm by way of overbearing or overshadowing impacts to the neighbour to the east.

The amendments to the porch would have no adverse effects of the neighbouring amenity as the door remains within the principal elevation and the additional windows would not give rise to views significantly different to those which currently exist.

The proposal is in accordance with ALP policies D DM1 and D DM4 and would not result in unacceptable harm to neighbouring amenity.

SUMMARY

The proposed development is in accordance with relevant development plan policies and as such 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 not CIL liable.

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:

- Proposed Floor Plan, Location Plan and Elevations P01
- Proposed Roof Plan, Block Plan and Elevations P02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 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).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.