

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** FP/195/17/HH**LOCATION:** 63 Downview Road
Felpham**PROPOSAL:** First floor side extension over existing garage, removal of existing conservatory & erection of two storey rear extension & conservatory including single front extension, increase in rear projection of two storey rear extension & first floor bay window (resubmission following FP/36/17/HH).**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

Amendment to approved scheme FP/36/17/HH- First floor side extension with hipped roof and rear extension with hip to flat roof and UPVC conservatory to rear of this. This amendment would increase the rear projection of the of the two storey rear extension, add a rear first floor bay window and extend the existing porch to and garage to front.

SITE AREA

0.06 hectares.

TREES

Young tree in the rear garden of number 61 near the common boundary with number 63. Not a TPO. No significant trees will be impacted.

BOUNDARY TREATMENT

1.8m close boarded fence to each side boundary.

SITE CHARACTERISTICS

Detached two storey dwelling with attached garage to side with driveway and garden to front. Garden to rear.

CHARACTER OF LOCALITY

Established residential, formed mainly of two storey detached dwellings set back from the road with off street parking.

RELEVANT SITE HISTORY

FP/36/17/HH	First floor side extension over existing garage, removal of existing conservatory & erection of two storey rear extension & conservatory	ApproveConditionally 07-04-2017
FP/126/17/NMA	Application for a non-material amendment following a grant of planning permission	Approve

FP/36/17/HH relating to upper walls to be
clad in Marley Eternit Cedar dark oak

19-06-2017

None relevant.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None made.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [DEV19](#)
[GEN2](#)
[GEN28](#)
[GEN7](#)

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

[Felpham Neighbourhood Plan 2014 POLICY
ESD1](#)

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

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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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walbarton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited 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).

The Felpham NDP has policies which are relevant to the consideration of the application.

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 policy DEV19 as the first floor side extension would not be set down from the main roof of the host dwelling.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan. Whilst the first floor side extension would not be subservient to the main dwelling, they do harmonise with its character and the resulting dwelling would still retain the character of a detached hipped roof property.

In all other respects the development 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.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

Whilst the side extension is not set down from the main roof, given the design of the existing roof it is not considered a set down would achieve a suitable appearance. The extension to front is modest and would have a hipped roof form to match that of the main house and first floor side extension. The rear extension and conservatory are not directly visible from the street scene so would have a limited impact.

Overall, whilst the extensions would not be subservient to the main dwelling, they do harmonise with its character and the resulting dwelling would still retain the character of a detached hipped roof property. Brickwork to match existing for the ground floor walls and roof will be ensured via condition. The first floor walls will be clad with cedar dark oak cladding and this is considered to have a residential appearance and is acceptable for the house and area.

The developments are considered to be acceptable in terms of design and visual amenity in accordance with saved policies DEV19 and GEN7 and Felpham NDP policy ESD1.

RESIDENTIAL AMENITY

No. 61 to the south has no habitable room windows facing the proposal and has an existing rear extension. Furthermore it is set 5m from the proposed rear extensions so the development would not have a significant overbearing impact. And is located to the south of the proposal so would see little loss of sunlight.

Side windows at first floor, facing numbers 61 and 65 and their immediate garden could be installed in the side extension in future under permitted development. However, given the General Permitted Development Order requires first floor side facing windows to be obscure glazed and fixed shut to a height 1.7m above finished floor level; a condition to restrict further first floor side facing windows is not considered to be required. Amenity would be protected by the fall back

position of the legislation.

The proposals pass the 45 degree test to 61 and 65's rear windows. No first floor side facing windows are proposed and the rear windows are not considered to increase communal overlooking to a detrimental level.

The side elevation of number 65 is set more than 5m away from the first floor extension and has no habitable room windows at ground floor level for which light could be lost.

The developments are considered to be acceptable in terms of impact on residential amenity in line with saved policies DEV19 and GEN7 .

The application is considered to comply with the development plan and 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 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

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

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amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:-

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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 materials and finishes of the ground floor external walls and roofs of the first floor side, front extension and two storey rear 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 **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.