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

REF NO: **FP/197/15/HH**

LOCATION: Dukes Cottage
24A Flansham Lane
Bognor Regis

PROPOSAL: Two storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two storey extension to side of the dwelling. The extension would be set towards the rear of the site and be 3.1m in width out from the main side wall of the existing dwelling and would be 4.1m in depth, the rear wall being in line with the rear wall of the existing dwelling. Eaves height would be the same as the existing dwelling at 4.4m. The ridge level would be 6.4m which would be approximately 0.3m lower the ridge line of the existing dwelling which is 6.6m. Materials are to match existing.
TOPOGRAPHY	Predominantly flat, but there is a levels difference at the rear of the site where an adjoining footpath rises away from Flansham Lane initially then levels but is higher than the application site.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front site boundary is a flint wall of up to 2m in height, in places it is lower at 1.5m and there is a 2m wooden panel fence behind the wall. To the rear these is a low flint wall with 2m wooden panel fence behind along part of the boundary and elsewhere closer to the dwelling a 2m wooden panel fence, this is located adjoining a footpath link.
SITE CHARACTERISTICS	The subject dwelling is set slightly back from the highway footpath by approximately 1m and from the footpath to the rear by approximately 3m. The site is level with Flansham Lane but the rear footpath is over 1m higher than the site. The dwelling is cream rendered with plain red clay tiles. It has a ridged roof which extends backwards from the road and off the main ridge of the terrace.

	The dwelling was formed by the division of number 24 and FP/222/10/ refers.
CHARACTER OF LOCALITY	The character of the area is residential, although a busy road the A259 passes through it and the site fronts onto this road..

RELEVANT SITE HISTORY

FP/171/02/	Extension of existing dwelling and proposed dwelling in garden	Refused 27-11-2002
FP/4/03/	Two storey extension.	ApproveConditionally 28-02-2003
FP/222/10/	Formation of 1x two bedroom house and 1x one bedroom house from existing 3 bedroom house.	ApproveConditionally 20-12-2010
FP/130/11/	1 no. new 2 bed dwelling	Refused 21-09-2011
PAA/1/12/	Pre-application advice for 2 storey side extension	Pre-app Issued 18-01-2012

PAA/1/12/ was for a two-storey extension to this dwelling which was proposed to be 6m deep and 4.8m wide. This extension was also proposed to have the same ridge and eaves height as the existing dwelling. The extension would have continued the main front wall of the dwelling which is slightly set back from the back edge of footpath and would have resulted on the front elevation of the dwelling being more than doubled in width.

The proposal was considered unacceptable because of its height and width as it was not visually subservient to the main dwelling. The extension was considered from the street frontage to appear to be a new terraced dwelling owing to its scale, width and height rather than an extension. it was recommended that the extension be significantly reduced in width in order to appear visually subservient to the main house.

It was also considered that sufficient amenity space remained and that was limited impact on neighbouring amenity as the extension was positioned away from neighbouring properties.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council raises no objection.

No representations have been received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5		Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD10		Design details

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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.

The following Felpham Neighbourhood Plan policies are of relevance to the application:

Policy ESD1: Design of new development.
New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location.

Policy ESD5: Surface water management.
All development proposals other than minor household or commercial extensions (less than 10% increase in floor space) will be required to provide a surface water management plan detailing methods of dealing with surface water arising from development, and will be supported provided that the development would not compromise the emerging Surface Water Management Plan for the Lidsey Catchment or the Aldingbourne and Barnham Rife Strategy.

Policy ESD10: Design details
The following items must be considered early in the design process and integrated into the overall scheme:
- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting
- flues and ventilation ducts
- gutters and pipes
- satellite dishes and telephone lines

The proposed development is generally in accord with Development and Neighbourhood Plan policies. Drainage is to the existing surface water connection(s) for the dwelling.

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

PRINCIPLE
The site is within the built-up area where the principle of development is acceptable, subject to according with planning policies. The main criteria against which the application will be assessed is the Arun District Local Plan policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and D SP1 in the Emerging Local Plan are also considerations, these seek to ensure development would not have an adverse impact upon visual and residential amenities. Other criteria are policies ESD1, ESD5 and ESD10 in the Felpham Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

This application will result in a change to the appearance of and enlargement of the dwelling. The proposed extension is considered to be of similar and sympathetic design and materials to the existing dwelling and will have a subservient appearance due to the reduced ridge line. The extension has also been set well back from the front elevation, which also reduces visual impact.

Impact on the surrounding dwellings in terms of dominance does not result, particularly as the site is on lower land, the set back preserves the street scene.

The development proposed does not result in detriment to the street scene or the visual amenity generally and is therefore considered to be acceptable in design and visual amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan, policies D DM1, D DM4 and D SP1 of the Emerging Local Plan and policies ESD1 and ESD10 of the Neighbourhood Plan.

RESIDENTIAL AMENITY

Impact on the surrounding dwellings is minimal and separation between dwellings is acceptable at 15m side to back. The 1 small first floor bedroom window is not considered to give rise to privacy loss. The location, scale and design of the proposed extension is such that there is very limited limited impact on adjoining occupiers

The development is not considered to result in amenity loss and to be acceptable in residential

amenity terms and therefore consistent with policies.

PARKING & OTHER
There is no on site parking and none is proposed. The existence of a pelican crossing nearby means that provision is not feasible. There is however some on-street parking nearby, although not on the site frontage due to the pelican crossing. The site is also very close to bus services. The addition of 1 bedroom is not considered to worsen the parking position to a degree where refusal would be justified on this ground alone.

Surface water will continue to be disposed of via existing connections and the proposal accords with policy ESD5 of the Neighbourhood Plan. A surface water management plan is not required and there is no prejudice to existing disposal, catchment or strategy.

It is therefore recommended that the application be approved, subject to the following 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 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 Neutral 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).

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 drawings:

Proposed Block Plan - Received with Application
Proposed Ground Floor Plan - Received with Application
Proposed First Floor Plan - Received with Application
Proposed Elevations & Proposed Street View - Received with Application
Proposed Roof Plan - Received with Application
Proposed Section - Received with Application

Reason: For the avoidance of doubt and in the interests of amenity and the environment policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

3 The materials and finishes of the external walls and roofs of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: For the avoidance of doubt and in the interests of amenity and the environment policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no additional windows or other openings shall be formed at first floor in the east rear elevation of the development hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: For the avoidance of doubt and in the interests of amenity and the environment policies GEN7 and DEV19 of the Arun District Local Plan 2003 and policies D DM1 and D DM4 in the Arun Local Plan 2011-2031, Publication Version.

5 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.