

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

REF NO: FP/199/14/HH

LOCATION: 1 Culver Road
Felpham

PROPOSAL: Proposed two storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Two storey side extension with a first floor extension over the existing single storey side extension.

SITE AREA

Approximately 285 metres squared.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Brick wall and timber fencing to the front. 1.5 metre high brick and render wall to the side (west).

SITE CHARACTERISTICS

The site is occupied by a detached two-storey dwelling that has painted rough render elevations and a tiled hipped roof. There is a flat roof extension and garage positioned to the west of the dwelling.

CHARACTER OF LOCALITY

The site is located on a residential road which is bordered by a linear arrangement of dwellings consisting of a mixture of designs and scales.

RELEVANT SITE HISTORY

FP/93/14/HH Garage extension

Refused

11-07-2014

The site was the subject of a recent application under reference FP/93/14/HH for a garage extension. This application was refused due to the proximity of the proposed extension to the western boundary and its impact upon the neighbouring property.

REPRESENTATIONS

Representations received:

Felpham Parish Council

FPC has no objection to this application.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan

DEVELOPMENT PLAN POLICIES

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

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

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

The Form of New Development
Extensions to existing residential buildings

D DM1 Aspects of Form and Design
Quality

D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

Design of new development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

The Felpham Neighbourhood Plan has been made and as such relevant policies will be taken into consideration with the determination of this 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 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 situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19. The Felpham Neighbourhood Plan has been made and as such ESD1 will also be considered in the determination of this application.

GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area. Whilst, DEV19 requires extensions to existing residential buildings to be sympathetic in relation to the existing building in siting, design, form, scale and materials; subservient to the main building; and to not cause any overshadowing, overlooking or overbearing effects upon neighbouring properties. Policy ESD1 of the Felpham Neighbourhood Plan discusses design issues.

DESIGN AND VISUAL AMENITY

This application seeks permission a two storey side extension to the west of the existing dwelling with the addition of a first floor extension over the existing ground floor side extension.

The proposed extension is deemed to be sympathetic and in keeping with the existing character of the area and is visually integrated with the existing building in terms of siting, design, form and scale. As such, the proposal is deemed to be in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed extension will be located within 3.2 metres of the western boundary and will not feature any windows in the side elevation. As such it has been deemed that this will not give rise to any adverse impacts upon the residential amenity of neighbouring properties.

CONCLUSION

Therefore, subject to the following conditions this application is recommended for approval.

HUMAN RIGHTS ACT

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 for 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 no impacts have been identified upon any 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 amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:- Location Plan - 15; Block Plan - 14; Proposed Floor Plan - 07; Proposed First Floor Plan - 08; Proposed Front Elevation - 09; Proposed Rear Elevation - 10; Proposed East Elevation - 12; and Proposed West Elevation - 05.

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 external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

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 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.