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

REF NO: **FP/206/17/HH**

LOCATION: Beach Lodge
1 Strand Way
Felpham

PROPOSAL: Replacement 13 No. windows, 3 No. new windows, re-cladding of all external wall surfaces, reinstatement of balcony & single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes replace of 13No. windows, external cladding, with the addition of 3No. windows and a single storey rear extension.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat on site, the property set up from surrounding properties.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property has 1.8m high close board fencing to its rear east and western elevations, open plan to the front elevation. There is a 1.5m high wall that seperates the end of 'Strand Way' and rear garden of 48 Davenport Road.
SITE CHARACTERISTICS	The site is populated by a large, two storey dwelling with integral garage and garden to rear.
CHARACTER OF LOCALITY	The area is populated by a mix of two storey housing syles and types.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Parish Council - No objection.

One letter of public representation- no objection, states will be pleased to see the property renovated as long as their sea views are not interrupted.

Comments on Representations received:

Noted.

Views are not protected by planning policies, however, in this case the it is not considered that the development would result in a loss of outlook to neighbouring dwellings.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D SP1 Design
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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; Walberton; 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

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).

Felpham does have a 'made' neighbourhood plan, policy ESD1 is deemed to be relevant to 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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies. In this case, the key policies are deemed to be GEN7 and DEV19 of the Arun District Council Local Plan and ESD1 of the Felpham Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

The proposed replacement of the windows could have been performed without planning consent, but nevertheless it is considered that the proposed change retains the established character of the dwelling, as the materials are deemed to be sympathetic in their appearance. Therefore the proposed replacement of windows in deemed to be in accordance with GEN7(ii) of the Arun District Council Local Plan.

The proposed change in fenestration appears to predominantly relate to the Eastern side of the dwelling, where the door is being replaced with a window, and the ground floor windows are being re-organised. This is not deemed to give rise to any significant change in the established character of the dwelling. Therefore, the addition of 3 new windows is deemed to be in accordance with GEN7(ii) of the Arun District Council Local Plan.

It should be noted that at current the host dwelling for the application is in a poor state (as mentioned in the Design and Access statement and the representation from nearby occupier). The proposed cladding is deemed to improve the visual character of the host dwelling, and that of the area, which is host to a mix of visual styles.

The proposed rear extension by virtue of its location is not visible from the street scene, therefore it is not considered to have any unacceptably adverse impact on the established spatial pattern of the locality, nor the established character of the building or area. The extension is deemed to appear subservient with the host dwelling as it is well integrated with the existing dwelling. Therefore, the extension is deemed to conform to DEV19(i) and (ii) of the Arun District Council Local Plan.

In terms of design and visual amenity only, the proposed balcony is considered not to cause any significant harm to the character of the host dwelling, or the established character of the area.

NEIGHBOURING RESIDENTIAL AMENITY

The extension would be single storey and set away from the nearest neighbouring dwelling of number 2 Strand Way. Furthermore, the extension would pass the 45 degree line test form the rear windows of number 2 Strand Way and 48 Davenport Road. As such, the extension is not considered to give rise to a significant detrimental impact in terms of neighbouring residential amenity.

The replacement windows are not considered to increase overlooking from the existing level and new side windows could be carried out without the need for planning permission under permitted development.

The front facing balcony will have an obscure glazed prvacy screen at 1.9m in height as to reduce the potential overlooking to the most sensitive sections of the rear garden of 48 Davenport Road.

The re-cladding of the outside of the dwelling is not considered to have a significant impact on residential amenity.

The development is considered to be acceptable in terms of impact on residential amenity in line with saved policy GEN7 and DEV19.

The development 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

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 amended).

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

PL.110
PL.105
PL.103 A
PL.104 B

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 balcony hereby approved shown on PL.103 A & PL.104 B shall be installed prior to it

being brought into use and shall be retained in perpetuity.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and windows of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

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.