

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

REF NO: FP/211/14/HH

LOCATION: 4 New Barn Lane
Felpham

PROPOSAL: Rear extension to include two side dormer windows and two velux roof lights.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed rear extension measures approximately 9.5m in width, maximum depth of 5.4m with a maximum height of 7m.

The side dormers each measure approximately 4.2m in width, depth of 2.4m with a maximum height of 4.3m.

SITE AREA

Approximately 546 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Front has wall under 1m in height, rear and side boundaries close boarded fencing approximately 1.8m in height.

SITE CHARACTERISTICS

Two storey detached property with front dormer. Greenhouse and shed in rear garden. The property has brick and rendered walls with a red tiled roof.

CHARACTER OF LOCALITY

Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

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

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

Extensions to existing residential buildings
Built-up Area Boundary
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)
D SP1 Design
SD SP2 Built-Up Area Boundary
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).

The Felpham Neighbourhood Development Plan has been made and in this instance it is considered that policy ES1 applies.

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

The detached property is sited within the Roundle Estate where the properties are a mixture of styles and designs with grass verges to the front. The proposal is for a rear extension with side dormers and velux windows.

The property which is L-shaped in appearance has a hipped roof addition on the southern side that projects out by approximately 2m. The proposed rear extension which will follow the roof line of the host dwelling will be the whole width of the dwelling and will have a maximum rear projection of 5.4m. The neighbouring property to the south No 2 is sited approximately 2m away and is set forward of No 4 and the proposed extension will be set back slightly from the rear flank wall of this property. The neighbouring property to the north has been extended on the rear and the proposed extension will be set forward of this extension by approximately 1m. The Council as a consideration in determining planning applications have adopted a 45 degree line which is used as a tool to balance the interests of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. In this instance it is considered that the proposed extension complies with this rule.

The property has an existing dormer on the northern side and the proposed dormer is to be sited to the rear with a side dormer of the same size and height on the opposite side. The dormers will increase the bedroom accommodation within the roof space and to provide for additional light into the bedrooms high level windows are proposed on both sides of the dormer. The neighbouring property to the south has no windows on the northern roof slope and with the provision of a high level window it is not considered that the dormer would create unacceptable overlooking or loss of outlook to the occupiers of No 2. The neighbouring property to the north No 6 has been extended with side dormers. The flat roof dormer on the southern side of No 6 has three windows which serve bedroom accommodation and a bathroom. With a gap of 4m being retained to this property it is not considered that the addition of a high level window would give rise to unacceptable overlooking or loss of outlook.

The extension and side dormers are of an acceptable size and height that are in keeping with the character and appearance of the locality. It would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring properties.

It is therefore recommended to approve the application, subject to 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 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 a neutral impact has 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 plans received on 5th December 2014.

Site 1:1250.

Block 1:500.

Existing & Proposed Ground Floor Drg No GFPL01 dt 24.11.14.

Existing & proposed First Floor Drg No FFPL01dt 24.11.14.

Existing & Proposed West Elevation Drg No WELEV01 dt 24.11.14.

Existing & Proposed South Elevation Drg No SELEV01 dt 24.11.14.

Existing & Proposed West Elevation Drg No EELEV01 dt 24.11.14.

Existing & Proposed North Elevation Drg No NELEV01 dt 24.11.14.

Existing & Proposed Roof Drg No RFPL01 dt 24.11.14.

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 The high level windows on the side dormers hereby approved shall be fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed in the north and south side of the dormer hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 **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.