

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

**REF NO:** FP/220/12/

**LOCATION:** 2 Pulborough Way  
Flansham  
Felpham

**PROPOSAL:** Rear dining/lounge extension

**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | The application seeks consent for a rear dining/lounge extension (2.9 x 2.5 x 3.2 metres).                                                                                     |
| SITE AREA                   | Approximately 140 sq metres                                                                                                                                                    |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                            |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                                             |
| TREES                       | None of any significance affected by the proposed development.                                                                                                                 |
| BOUNDARY TREATMENT          | None to front. 1.8 metre high timber fence to side and detached brick garage to rear.                                                                                          |
| SITE CHARACTERISTICS        | Modern, two storey end of terrace dwelling constructed from red brick with timber cladding to front elevation at first floor level and uPVC glazing. Garage forecourt to rear. |
| CHARACTER OF LOCALITY       | Modern residential cul-de-sac comprising two storey terraced properties and bungalows of identical character and design.                                                       |

**RELEVANT SITE HISTORY**

**REPRESENTATIONS**

**Representations received:**

Felpham Parish Council

No objection.

**Comments on Representations received:**

Noted.

**CONSULTATIONS**

**Consultations responses received:**

None

**Comments on Consultation responses:**

Comments noted

## POLICY CONTEXT

Designation applicable to site:  
Permitted development restriction  
Open plan condition  
No public sewer

## DEVELOPMENT PLAN POLICIES

|                           |                       |                                              |
|---------------------------|-----------------------|----------------------------------------------|
| Arun District Local Plan: | <a href="#">DEV19</a> | Extensions to existing residential buildings |
|                           | <a href="#">GEN2</a>  | Built-up Area Boundary                       |
|                           | <a href="#">GEN7</a>  | The Form of New Development                  |

## PLANNING POLICY GUIDANCE

|      |                                    |
|------|------------------------------------|
| NPPF | National Planning Policy Framework |
|------|------------------------------------|

## POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

## 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 located within the built-up area boundary where the principle of new development is acceptable, subject to the impact on visual and residential amenity.

### **DESIGN AND VISUAL AMENITY**

The property is an end of terrace two storey modern dwelling located in an open plan residential cul-de-sac. There is a garage forecourt to the rear of the plot. The proposed extension is a single storey, flat roof rear infill extension. The extension will be faced in matching external brickwork with a felt bituman roof. The extension is a small scale addition to the property that is identical in scale, form and design to an existing single storey flat roof rear projection. It will preserve the visual amenities of the area and character of the streetscene, to comply with policy DEV19 v) and GEN7.

### **RESIDENTIAL AMENITY**

The property is an end of terrace dwelling. There are no neighbouring properties to the south or west. The extension will be screened by an existing single storey flat roof rear extension that abuts the boundary to no. 4 to the east. As such, there will be impact on the amenities of this property.

### **SUMMARY**

It is therefore recommended that consent is granted, subject to the conditions summarised below.

## **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 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**

### **Duty under the Equalities Act 2010**

In assessing this proposal the following impacts (Neutral) 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 plans: drawing 4819/01 Site Location and Block Plans, drawing 4819/02 rev A Part Ground Floor Plan and Elevation as Existing, drawing 4819/03 rev A Elevations and Section A-A as Existing, drawing 4819-04 Part Ground Floor Plan as Proposed, drawing 4819-05 rev A Elevations as Proposed, drawing 4819-06 Rev A Ground Floor Setting Out Plan as Proposed, drawing 4819/07 Sections B-B and C-C as Proposed, received on 19 November 2012.

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 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

**SUMMARY**

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

**RELEVANT POLICIES**

LOCAL PLAN: GEN7, GEN2, DEV19

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 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.