

Recommendation Report for Planning Permission

REF NO: FP/228/19/PL

LOCATION: Oakland Court  
26-28 Admiralty Road  
Felpham  
PO22 7DW

PROPOSAL: Retention of single storey timber side 'lean to' extension.

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                                                    |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application is for the retention of single storey side extension.                                                                                              |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                |
| TREES                      | None of any significance affected by the proposed development.                                                                                                     |
| BOUNDARY TREATMENT         | The site is open to the front.                                                                                                                                     |
| SITE CHARACTERISTICS       | The site is occupied by a single and two storey building with dormers to the front and a conservatory to the front elevation. Car parking is to the front of this. |
| CHARACTER OF LOCALITY      | Predominantly residential characterised by a mix of dwelling type and design.                                                                                      |

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| <b>RELEVANT SITE HISTORY</b> |
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|            |                                                                                                                                                                       |                                  |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| FP/17/98   | Amended dormer window to beds 8 & 9. Increasing floor area 3.7 m2. Amended car parking layout. Small mansard roofs instead of flat roofs to bed 3 & residents lounge. | ApproveConditionally<br>20-05-98 |
| FP/146/13/ | Proposed ground floor extension to existing laundry & bedroom with new 1st floor bedroom en-suite over at 1st floor.                                                  | Refused<br>05-11-13              |
| FP/139/07/ | Conservatory entrance for convenience of visitors.                                                                                                                    | ApproveConditionally<br>14-08-07 |

Relevant planning history noted.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Felpham Parish Council

No objection

1 letter of representation received and photos

- Appears to protrude into our garden.
- Object to its proximity and its height.
- Intrusive appearance not in keeping with what you would expect from a boundary fence.
- Object to the current presentation of 'lean to' given its position at the boundary.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Whilst it appears to protrude into the garden, it is sited within the red edge and under ownership of the applicant.

### CONSULTATION RESPONSES RECEIVED:

None

### COMMENTS ON CONSULTATION RESPONSES:

None

## POLICY CONTEXT

Designation applicable to site:

Built up area boundary

### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

|       |                                                         |
|-------|---------------------------------------------------------|
| DDM1  | D DM1 Aspects of form and design quality                |
| DDM4  | D DM4 Extensions&alter to exist builds(res and non-res) |
| SDSP2 | SD SP2 Built-up Area Boundary                           |
| DSP1  | 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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

### 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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Felpham has a 'made' Neighbourhood Plan with policy ESD1 of relevance to the application.

#### DESIGN AND VISUAL AMENITY

The extension is sited to the eastern elevation. The extension is however modest in size with a width of 1.85m. It is set back 15.4m from the front boundary and is therefore partially visible however does not appear unduly dominant upon the street scene.

The extension is constructed of stained timber. The surrounding area is mixed in appearance with both brick and fencing surrounding the extension and it is not considered to appear out of character.

Due to the modest size of the extension, it does not adversely impact the appearance of the street scene or character of the area and accords with DDM1 and DDM4 of the Arun Local Plan.

#### RESIDENTIAL AMENITY

The extension has a width of 1.85m and sits at the boundary with a depth of 5.5m. It will have a height of 2.6m with a flat roof which leans slightly towards the host building at 'Oaklands Court'. The structure has been in situ for some years however a garage was situated at the boundary at No.30 which restricted views. Following the removal of the garage, the extension is now highly visible from the neighbouring property.

The structure is located at the boundary line retaining only 30mm and due to the shape of the boundary, which steps out slightly towards No.30, it makes the structure appear dominant. However, whilst the structure is highly visible, it is not considered to cause significant harm by way of its height or appearance in which a refusal is justified.

The side elevation features a brown timber wall and it is not considered at a height of 2.6m that it is adversely overbearing or overshadowing. With no windows to the side elevation, it also does not give rise to adverse overlooking.

The extension is not considered to cause significant harm by way of overbearing, overshadowing or overlooking and as such accords with DDM1 and DDM4 of the Arun Local Plan.

#### SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

#### 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

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 approved shall be carried out in accordance with the following approved plans
  - Location Plan and Block Plan
  - Existing Elevations
  - Existing Floor Plan -

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 2      **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.