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

REF NO: **FP/22/17/HH**

LOCATION: 6 Tryndel Way
Felpham

PROPOSAL: Demolition of attached garage & conservatory & addition of 2 storey side extension & single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Hipped roof two storey side extension with porch to front and flat roof with dummy pitch, single storey rear extension.
SITE AREA	0.06 hectares.
TOPOGRAPHY	Slopes up from road, them predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fence to each side boundary but with 3m hedge on north side boundary to front of house.
SITE CHARACTERISTICS	Detached two storey dwelling, single storey conservatory to rear with attached garage to side, driveway and garden to front and garden to rear.
CHARACTER OF LOCALITY	Suburban-residential with detached dwellings of various styles & sizes, set back from the road.

RELEVANT SITE HISTORY

BR/117/52	Layout of roads & plots	Approve 02-09-1952
BR/10/53	Residential development	No Objection 23-03-1953
BR/75/53	Detached house	Approve 28-04-1953

None relevant.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Objection. Two storeys doesn't comply with the boundary criteria.

Comments on Representations received:

Officer assumes the Parish is objecting on the grounds that the two storey element is not 1m from the boundary at first floor. Whilst visual separation is important and mentioned in DEV19, this are is not characterised by close built dwellings and the 1m set off at first floor is not considered a necessary requirement for the application. It is not considered the set off proposed (0.35m) would enclose a gap in the street scene or be visually damaging to its character.

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:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) 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.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walbarton; 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

Whilst an NDP is under preparation it will be afforded limited 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).

Felpham NDP policy ES1 is relevant to the consideration 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

DESIGN AND VISUAL AMENITY

The single storey rear extension would not be visible from the street scene thus a limited impact on the street scene. The two storey side extension is set down from the main roof of the host dwelling and designed to integrate with a pitch, materials and windows to match existing. Overall the development would respect the character of the property as a detached two storey dwelling and appear subservient to the host dwelling and in character with the street scene.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

The side extension would not be large enough, or not located significantly close to the windows of 2 Ley Road to be considered overbearing or visually intrusive. It would be located behind the very end of its rear garden. The proposed single storey rear extension is modest in height and is not considered to be overbearing or visually intrusive to the amenities of No. 8 Tryndel Way. The south facing first floor side windows will be conditioned to be obscure glazed and fixed shut to 1.75m above finished floor level. There are no first floor side windows proposed in the north elevation and the development as a whole passes the 45 degree line to neighbouring windows.

The application is recommended for conditional permission.

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 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 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:

P01
P02
P03

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 extensions hereby permitted shall match in colour and texture those of the existing dwelling.

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

4 The first floor windows on the south elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a level 1.75m above finished floor level.

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