

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

REF NO: FP/25/18/HH

LOCATION: 52 Minton Road
Felpham
PO22 7JX

PROPOSAL: Two storey side extension, single storey front extension, single storey side infill extension & cladding to first floor elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to add a single storey extension to the rear (replacing the conservatory), convert the garage to living accommodation and extend the building out to the east by 3 metres, to accommodate a new garage and add a first storey to the former garage and new garage, replace the partially glazed front porch with a larger brick structure and replace the bay window on the east elevation with a small flat roof extension.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The flank wall of no 50 forms part of the shared boundary with the application site and to the rear there are shrubs and trees to a height of 4 metres. At the front there is a 1 metre high hedge on both side boundaries. Between the application site and number 54 to the east at the rear there is a 1.8 metre high close boarded fence with shrubs up to 3 metres in height.
SITE CHARACTERISTICS	The property is a part single and part two storey dwelling which like most of the properties in the area has a gable end fronting onto the street with a cat slide roof on the western side sloping down over the garage. There is a gap of 5 metres between the flank wall and the western boundary and a 2 metre gap to the east boundary. There is a conservatory at the rear. The front garden is laid to coarse gravel.
CHARACTER OF LOCALITY	The property is on the south side and near the end of the cul-de-sac part of Minton Road in a quiet residential area of detached two storey houses. The majority of the houses have gable ends fronting the street with cat slide roofs. The side wall of the house to the west, number 50 forms part of the shared boundary with the application site and has no windows at first floor. No 54, to the east has a cat slide roof on the side adjacent to the shared boundary with the application site and there is a 5 metre gap between this and the shared boundary.

RELEVANT SITE HISTORY

FP/210/15/NMA	Application for a Non-Material Amendment following the grant of FP/137/13 for removal of rear first floor extension.	Approve 02-11-15
FP/137/13/	Two storey extension	ApproveConditionally 14-10-13

Noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council
No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the built up area boundary.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

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 DM4 Extensions & Alterations to Existing Buildings

[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.

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 Plan has been made and the relevant policies have been considered in the determination 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 conflict with relevant Development Plan policies in that the extension is not subservient and does not therefore comply with policy DEV19 of the Arun District Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material consideration to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background, namely that the property is not in a prominent location and there is no demonstrable harm to visual amenity due to the variation in house design in this part of the road. Moreover permission has been granted for a similar form of development on this property.

CONCLUSIONS

The extension will significantly change the design of the house and extend the bulk of the building to the side so it will not appear subservient or integrate visually with the original building as required by policy DEV19 of the Arun District local Plan. However, the property is not in a prominent location within the estate and this is not an area designated and protected for its character. There is sufficient width to the plot that the extended building will not appear cramped. As such although there is a conflict with policy DEV19 of the Arun District Local Plan and policy D DM4 of the emerging Arun Local Plan 2011-2031 there is no demonstrable harm to the character of the area. Moreover consent has been granted for a similar form of extension (FP/137/13) and there have been other 2 storey extensions permitted nearby. Although the gap between 50 and 52 will be narrowed the two storey element will not appear obtrusive because it is contained mainly within the same building footprint and there are high hedges at the rear. Due to the orientation there will be no significant loss of light. There will be no adverse impact on number 54 due to the gap between the flank walls, the orientation the existing boundary treatment and the minimal size of the extension on the east side. As such the proposal complies with policies DEV19 and GEN7 of the Arun District Local Plan and policies D DM1 and D DM4 of the emerging Arun Local Plan 2011-2031.

HUMAN RIGHTS ACT

FOR 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

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 1, 2, 3 and 4

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 3 Details of the materials and finishes of the external walls and roof of the extensions hereby permitted shall be submitted to and approved by the local planning authority before any building works hereby permitted are carried out above the damp-proof course.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 4 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.