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

REF NO: **FP/29/15/HH**

LOCATION: 16 Culver Road
Felpham

PROPOSAL: Remove existing bay windows & balcony & replace with a larger ground & first floor structure including a new balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed rear extension with balcony above has a maximum width of 8.1m, maximum depth of 5m, balcony area 2.5m in depth with a maximum height of 7m.
SITE AREA	Approximately 650 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 with an in and out driveway, rear and side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey property with attached garage. The property has rough rendered walls painted cream on the lower level with red tile hanging above, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential road comprising detached two storey properties of various styles and designs, grassed area to rear with parking.

RELEVANT SITE HISTORY

FP/134/14/HH	First floor extension to front elevation.	ApproveConditionally 30-09-2014

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection
Conforms with Felpham Neighbourhood Development Plan.

Comments on Representations received:
Parish Council comments noted.

CONSULTATIONS

Consultations responses received:
None
Comments on Consultation responses:
None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
No Public Sewer

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 SD SP2 Built-Up Area Boundary
Felpham Neighbourhood Plan 2014 POLICY ESD1		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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

The Felpham Neighbourhood Development Plan has been made but in this instance it is considered that policy ESD1 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 application seeks to remove the existing flat roof bay windows and balcony on the rear of the dwelling and replace with a two storey extension with new balcony.

The existing bay windows at ground and first floor level are linked at first floor level by a balcony. The existing bay windows have a rear projection of approximately 1.5m and the proposed two storey extension will have a width of 8.1m and maximum depth of 5m. The balcony area will be the same width with a rear projection of 2.5m. The pitched roof extension will be 7m in height which is lower than the main ridge height.

With regard to residential amenity there are no properties directly to the rear which is a car park. The neighbouring property to the west No 14 is sited approximately 3m away. This property has a flat roof extension on the rear with balcony above that projects out from the rear flank wall by approximately 2.8m. The proposed extension will be set behind this rear projection by approximately 3m. It is not considered that the extension and balcony with privacy screening on the western side to a height of 1.8m would create unacceptable overlooking or loss of outlook to the occupiers of this property.

The proposed extension will be sited approximately 4m from the neighbouring property to the east No 18A. This property has a flat roof extension on the rear with balcony above that projects out from the rear flank wall by approximately 3m. The proposed extension has a window on the east side elevation at first floor level. This extension will be set behind the extension at No 18A by approximately 0.5m. It is not considered that the window would create any additional overlooking than currently exists from the bay window. With privacy screening on the east side elevation of the balcony it is not considered that this would create a loss of outlook to recommend refusal.

The proposed extension being to the rear will not be visible to the front of the site. It would not have a negative impact on the character and appearance of the area, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

It is therefor 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.

Site 1:1250 received on 23.2.15.
Block 1:200 received on 23.2.15.
Block 1:500 received on 23.2.15.
Proposed Ground Floor 1:100 received on 23.2.15.
Proposed First Floor 1:100 received on 23.2.15.
Proposed South Elevation Tiled 1:50 received on 14.4.15.
Proposed East & West Elevations Tiled 1:100 received on 9.4.15.
Proposed Roof 1:100 received on 23.2.15.

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 balcony hereby permitted shall not be occupied until the obscure glazed screening as shown on the approved plans has been installed. The screening as approved shall remain unaltered and retained in perpetuity.

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

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.