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

REF NO: FP/29/18/HH

LOCATION: 57 Crossbush Road
Felpham
PO22 7LY

PROPOSAL: Double storey side extension & cat-slide roof extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A proposed two storey extension set back 5 metres from the front elevation with a roof 1.9 metres below the main roof ridge. It would be 3.3 metres wide at ground level however the pitched roof would extend 8 metres from the main pitched roof of the property which is set at 90 degrees to the pitched roof of the proposed extension.
SITE AREA	0.05 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence to the rear boundary with a hedge above rising to approx. 3 metres.
SITE CHARACTERISTICS	A large residential property on a small corner plot. The plot has been sub divided leaving the house with limited private amenity space at the rear and north side of the property.
CHARACTER OF LOCALITY	A predominantly residential area close to the beachfront in Felpham.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Objection
Overdevelopment
Loss of private view
Loss of light
Not in keeping with the street scene.

4 neighbour objections

Overdevelopment
Significantly affect properties adjacent & rear
Property already sub divided (11 Bramfield Road).
Loss of daylight
Loss of sunlight
Significant overlooking/loss of privacy to neighbouring properties primary living space and garden.
Visually overbearing on neighbouring properties.
Abnormal to existing design of the house.
Not in keeping with existing street scene.
Noise pollution.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The issues raised are addressed in the conclusion section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
PD RESTRICTION

DEVELOPMENT PLAN POLICES

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 & 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

Policy Commentary

The Development Plan consists of the Arun District Local Plan 2003, the Modified - Arun Local Plan - January 2018 Consultation Version, the West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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. Consultation and a further examination in public has taken place. The examination was completed in September 2017. The Main Modifications have been amalgamated with the Arun District Local Plan 2011-2031 (Publication Version) October 2014 to form the 'Modified - Arun Local Plan (2011-2031) - January 2018 Consultation Version' which was out for public consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

In conclusion the emerging Local Plan, the 'Modified - Arun Local Plan - January 2018 Consultation Version', is at a very advanced stage and carries significant weight.

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.

Policy ESD 1 of the Felpham Neighbourhood Plan is relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 does not comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality,would have an adverse impact upon the established character of the surrounding area and the residential amenities of the adjoining properties.

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 application site falls within the built up area boundary where the principle of development is

acceptable in accordance with policy GEN 2 of the Arun District Local Plan subject to compliance with relevant development plan policies. In this case the relevant policy consideration will be policy GEN7 and DEV19 of the Arun District Local Plan and policy ESD1 of the Felpham Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

The proposed extension would be set back 5 metres from the front elevation of the dwellinghouse and would be 3.3 metres wide. It would be 7.1 metres height. it would extend the two storey roof height at the ridge by 8 metres albeit 1.9 metres below the ridge height of the existing roof.

While the proposed extension is subservient to the existing dwelling height it would significantly enlarge the house which is already a large house on a small plot such that the resulting dwelling would be of an inappropriate scale and mass on such a small plot and would be considered out of character in the street scene and wider area.

In addition the property already has a limited amount of external amenity space with a rear garden measuring only 4.5 metres in depth. The loss of further private amenity space, given the dwellings probable occupation by a family or group of people, would represent an unacceptable loss of private amenity space.

The proposal as a whole is therefore not considered to comply with policies GEN 7 (ii) and DEV 19 (i) and (v) of the Arun District Local Plan and policy ESD 1 of the Felpham Neighbourhood Plan.

RESIDENTIAL AMENITY

Overshadowing

The proposed extension would cause an overshadowing and loss of afternoon light to the rear garden of 59 Crossbush Road. The roofline to the west when viewed from the rear garden and rear habitable room widnows would extend from 11 metres in width to 18 metres in width which given the separation distance of 10 -15 metres would overshadow the rear of 59 Crossbush Road and block a significant amount of day light and sunlight.

It is not considered that no. 11 Bramfield Road would lose a significant amount of sunlight or daylight as the proposed extension would be predominantly within the shadow of the main dwelling when viewed from the rear garden of the neighbouring property.

Loss of privacy

There would not be a loss of privacy to no. 11 Bramfield Road as a result of the proposed extension.

There would be a distance of 12 metres from habitable room window to habitable room window at he ground and first floors of the proposed extension and no.59 Crossbush Road. In order to avoid a direct loss of privacy to the rear garden and rear habitable room windows of 59 Crossbush Road the two first floor windows in the proposed extension would need to be obscure glazed and fixed shut which could be addressed by condition. An overbearing impact would however still result as the neighbouring occupants would still feel overlooked by blank opaque windows even if this would not actually be the case.
It would not be feasible to obscure glaze the ground floor double glazed doors in the new extension which, while replacing existing windows, would not have an ideal level of privacy themselves as they would be overlooked by first floor windows at no. 59 to the rear.

Overbearing impact

The most harmful aspect of the scheme would be the overbearing impact of the new development on the garden and rear habitable room windows of 59 Crossbush Road who would face an 18 metre wide two storey dwelling to the rear within a distance of 10 -15 metres.

Again it is not considered, given the location of the rear habitable room windows at 11 Bramfield Road and its garage extension on the boundary that an overbearing impact on 11 Bramfield Road would be unacceptable.

Therefore, by virtue of their construction and design the proposed side two storey extension would be considered to give rise to an unacceptable impacts upon the residential amenity of 59 Crossbush Road neighbours and on the occupiers of the new extension would not be in accordance with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY
The proposal is not deemed to be in accordance with relevant development plan policies and as such is recommended for refusal fro the following reasons;

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

REFUSE

1 The proposal is unacceptable in that it would cause a harm to the residential amenities of 59 Crossbush Road due to;

- an overbearing impact on the rear habitable room windows and private amenity space of the neighbouring dwelling.
- a significant loss of daylight & sunlight.
- a loss of privacy to rear habitable room windows and private amenity space of the dwelling

The proposal therefore conflicts with policy GEN 7 and DEV 19 of the Arun District Local Plan and the National Planning Policy Framework.

2 The proposed extension as a result of the expansion of the rear roof line and two storey element of the property at the front and rear would be out of scale with its plot size and be out of character in the local area contrary to polices GEN 7 and DEV 19 of the Arun District Local Plan and policy ESD1 of the Felpham Neighbourhood Plan

3 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.