

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

REF NO: FP/31/17/HH

LOCATION: 40 Bursldeon Close
Felpham

PROPOSAL: Conversion of garage into habitable room, rear extension & first floor extension above garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

The proposal involves the conversion of the garage, the only alteration being the replacement of the garage door with a window. The first floor front extension would be built over the existing garage and measures 2.5m deep, 2.7m wide and 6m high (max) beneath a pitch roof. The rear extension would measure 6.6m wide and 3.3m deep and 2.7m high with a flat roof. The single storey extension will have glazed doors on the rear elevation.

Amended plans were submitted to clarify aspects of the proposed scheme but these did not alter the design, size or siting of the proposed extensions.

The materials would match the existing property.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The property has an open frontage with access for vehicle parking and timber fencing and planting on side boundary. The rear has a timber fence approximately 1.8m high.

SITE CHARACTERISTICS

The application site comprises a two storey semi detached property constructed of brick beneath a tile roof. The property has an integral garage which extends slightly to the

front. To the front of the house there is hardstanding for vehicle parking. The rear has a modest sized garden.

CHARACTER OF LOCALITY

Residential properties comprising properties of a similar scale but of varying designs including chalet bungalows, gable fronted properties and gable end properties such as the application site located within a cul de sac.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council have no objection.

One representation has been received as follows:

These extensions will have an unacceptable adverse impact to my land and property, in conflict with GEN 7 of the Arun District Local Plan. As number 40 Bursledon close stands to the South of number 42, the proposed extension would take light from both my property and land. It will cast a shadow to both the front and rear of downstairs, through lounge/diner, the porch and parts of the front garden and rear patio and thereby reducing light.

The proposed extension is out of keeping with the existing development pattern, detrimental to the character and appearance of the surrounding area and compromises the established spatial character and pattern of the street.

I believe the above confirms the proposal is in conflict with policies DEV19 and GEN7 of the Arun District Local Plan.

By granting this permission it could set a precedent and thereby, alter the character and aesthetical look of the estate.

Comments on Representations received:

Noted and are considered in the conclusions below. Although precedent is not necessarily a planning consideration as every development should be considered on its individual merits.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2

Built-up Area Boundary

GEN7
DEV19

Publication Version of the Local
Plan (October 2014):

The Form of New Development
Extensions to existing residential buildings
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
Design of new development

Felpham Neighbourhood Plan 2014 POLICY
ESD1

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 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;

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Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; 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).

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 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 site is situated within the built up area boundary where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed rear extension would extend the full width of the property adjacent to the side boundary of the property to north, No.42. The rear extension is not visible from the street and as such has no impact on the character and appearance of the streetscene. The proposed extension is only marginally larger, 0.5m deeper, than that allowed under permitted development rights. It is considered that the proposed rear extension is subservient to the main property. The proposal retains an appropriate size garden.

The garage conversion again is a form of development that can frequently carried out as permitted development. In this case the garage door is replaced by a window which is well

proportioned and sited in the elevation. The window matches the proposed first floor window and reflects the character of the existing windows.

The proposed two storey front extension would be built on top of the existing garage projection, it does not extend beyond the side elevation of the existing house and is set back from the front boundary of the site. The proposed extension does introduce a gabled addition but the ridge is approximately 1.4m below the ridge of the main house and appear subservient. It is noted that an objection had been raised with regard to an adverse impact on the character of the area . It is accepted that the proposed extension is different to its neighbours but this does not necessarily mean it is harmful. In fact the wider character does have a mix of property designs including chalet bungalows and gable fronted properties. The proposed first floor extension is well proportioned and is not considered to be visually harmful to the character and appearance of the host property or the wider area.

Materials for all the extensions will match the existing property.

Therefore, the proposed scheme when considered as a whole is considered, on balance, not to be harmful to the character and appearance of the host property or the wider area.

To the south the proposed extensions would face the rear gardens of properties on Felpham Way. The distance from both the extensions to these properties is approximately 21m and no side windows are proposed in the extensions as such it is not considered the proposed development will be harmful to the amenity of the occupiers of properties in Felpham Way.

To the north the application property adjoins No.42, and concerns have been raised by the occupiers in relation to the impact upon their amenity. Whilst the proposed rear extension would be built up to the side boundary of the site and it would technically infringe a 45 degree line off the middle of the neighbouring patio doors. However, given the height and depth of the extension and it being only 0.5m deeper than that allowed permitted development rights it is not considered that the proposed single storey rear extension would be harmful to the amenity of the adjoining occupiers.

The first floor extension would be sited 4.2m from the side boundary with No.42. The first floor extension would not impinge a 45 degree line of the middle of the nearest windows in No.42. There are no windows in the side elevation facing No.42 and this can be secured by a planning condition. Therefore, it is not considered that the proposed first floor extension or garage conversion will have an adverse impact upon the amenity of the adjoining occupiers at No.42 due to loss of light, outlook, overshadowing or privacy.

Therefore, the proposal is considered, on balance, to accord with relevant development plan policies and as such is recommended for approval.

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 1290/101A location plan, 1290/102/B proposed site plan & 1290/100/B existing and proposed plans and elevations.

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 extension hereby permitted shall match in colour and texture those of the existing building.

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

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the north elevation of the extension hereby permitted which adjoins the side boundary with No.42 Bursledon Close without the prior permission of the Local Planning Authority on an application in that behalf.

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.