

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

REF NO: FP/3/22/HH

LOCATION: 5 Cunningham Gardens
Felpham
PO22 7QP

PROPOSAL: Removal of existing conservatory and erection of single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a single storey extension, following the removal of a conservatory.
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REPRESENTATIONS

Felpham Parish Council - No Objection

One no objection received from nearby occupier:

- Wish to highlight the proximity of the extension to a mature Field Maple tree at the rear of a neighbouring property, of which they hope to retain unharmed.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built Up Area Boundary
2km Buffer for Site of Special Scientific Interest
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Felpham Neighbourhood Plan 2019-31 Policy ESD1](#) Quality of Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan. Part M and general criteria set by the Arun Design Guide is also considered.

Felpham has a 'made' Neighbourhood Development Plan, of which Policy ESD1 is of relevance to this application. Policy ESD1 is concerned with the design of new development and states new development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design, and contribute to local character by creating a sense of place appropriate to its location.

DESIGN AND VISUAL AMENITY

The proposal will be to the rear of the property, of which is a single storey detached bungalow. As a result of the property's position, it will be partially visible from certain areas on the street scene.

The extension will extend from the rear elevation by a depth of 4.3m, and maintain the existing property width of approximately 9.82m. It will have a flat roof, similar to that of the garage but differing to the gable roof of the main dwelling. This will have a slight impact on the visual appearance of the property, but is not unduly harmful. The roof will line up with the existing eaves, and will not look unacceptably out of place. The local area is comprised of mainly detached bungalows, which make up the composition of the street. Although the extension is to the rear, the property's positioning on the street means it will be partially visible from the street scene at the end of the driveway. It's impact on the street will be minimal however, as it retains a significant distance from the front boundary and is obscured by an existing fence to the side. As a result, the proposal poses little harm to the composition and appearance of the street, and is an acceptable development.

The proposal appears subservient to the design of the host dwelling and is well integrated. It is a modest size, and will use materials matching that of the existing. This will ensure no adverse harm on the visual amenity of the property and allow the proposal to remain in keeping with the character of the area. It is an appropriate development for its location and context, and is in accord with ESD1 of the Neighbourhood Plan.

Part M of the Arun Design Guide states rear extensions should respond to the distinctive characteristics of the building and surrounding area, preserve external garden amenity space and exploit opportunities for innovative and contemporary design where appropriate. The proposal is respectful to the design and character of the host, and of the locality, and preserves a sufficient amount of garden amenity space. There will be no adverse harm to visual amenity, and the proposal is in accord with Part M.

The development is not considered to have an adverse impact on visual amenity, or to the character of the area, and is in accord with D DM1 and D DM4 of the Arun Local Plan, ESD1 of the Neighbourhood Plan, and Part M of the Arun Design Guide.

RESIDENTIAL AMENITY

The proposal is single storey, and will have a flat roof. This roof will be approximately 2.83m high and have a rooflight, which protrudes slightly higher at 3m. It retains a distance of 14.5m to the north, 4.25m to the east, and 4.5m to the south boundaries. This is a sufficient distance from neighbouring properties, and as the proposal is single storey, will not cause unacceptable overbearing or overshadowing. It will have minimal harm on residential amenity as a result of its scale, and is in accord with D DM4.

The extension allows for a new open plan kitchen area, and will feature doors with sidelights to the north, a single door and window to the east, and window to the south elevations. It will include a rooflight, as

mentioned previously, that will have no impact on amenity. The features to the north elevation do not directly face any neighbouring properties and will not result in overlooking. The window to the south faces towards No.6, but given it is on the ground floor and obscured by a fence on the boundary line, it will not be unduly harmful to neighbouring privacy. The features to the east face towards a neighbouring property to the rear. Visibility of this property is restricted by an existing fence, and considering their height and proximity, these features will not result in adverse overlooking. None of the features pose unacceptable harm on neighbouring privacy or amenity, and are acceptable.

Part M of the Arun Design Guide states that extensions should not negatively impact, and instead protect, neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings, and respond to existing elevations through the size and positioning of doors and windows. The proposal is respectful to the privacy of the neighbouring properties and exhibits no features that may unacceptably impact residential amenity. This is in accord with Part M.

The development will result in no adverse harm to residential amenity, and is in accord with D DM1 and D DM4 of the Arun Local Plan, and Part M of the Arun Design Guide.

TREE

The neighbours comment regarding the tree is noted. The tree does not appear to be subject of a TPO but policy ENV DM4 does require consideration of trees in development and para 131 of the NPPF seeks to ensure existing trees are retained. The tree is on neighbouring land and it is not proposed to be felled but an informative will be added.

SUMMARY

The proposed development is deemed to accord with the relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL Liable.

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:
 - Location Plan, Block Plan and Proposed Floor Plan Sheet 1
 - Proposed Elevations Sheet 2a
 - Existing Floor Plan and Elevations and Existing and Proposed Roof Plan Sheet 3
 Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun 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.
- 5 INFORMATIVE: The applicant's attention is drawn to the comments from the neighbour regarding the tree in their garden. The applicant should comply with relevant standards regarding construction near trees.