

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

REF NO: FP/43/18/HH

LOCATION: 3 Outerwyke Avenue  
Felpham  
PO22 8JH

PROPOSAL: Front garage extension

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                                         |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to construct a front garage extension.                                                                                            |
| SITE AREA                  | N/A                                                                                                                                                     |
| TOPOGRAPHY                 | Predominantly flat                                                                                                                                      |
| TREES                      | None of any significance affected by the proposed development.                                                                                          |
| BOUNDARY TREATMENT         | The front of the property has a driveway into the garden with a gate and fencing. The boundaries to the east and south consists of fencing and hedging. |
| SITE CHARACTERISTICS       | The site is occupied by a semi-detached house with a side extension and a large front garden                                                            |
| CHARACTER OF LOCALITY      | The area is predominately residential with a mix of housing types and designs.                                                                          |

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| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|            |                                        |                     |
|------------|----------------------------------------|---------------------|
| FP/161/11/ | Garage & first floor bedroom extension | Refused<br>05-01-12 |
|------------|----------------------------------------|---------------------|

Relevant site history noted

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Felpham Parish Council

Parish Council provided no objection to the proposed works.

2 letters from nearby occupiers- 1 support and 1 objection.

- Proposed extension trespasses onto our land.
- Our hedge will be removed to make way for extension
- Proposed extension will be over our drains

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. Issues relating to land ownership are a private matter and would not be considered a planning consideration.

The application submitted states no removal of trees/ hedges however again ownership of this hedge would be private matter.

Drainage would be considered under Building Control

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

None

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

**POLICY CONTEXT**

Designation applicable to site:

Built up Area Boundary

Tree Preservation Order

**DEVELOPMENT PLAN POLICES**[Arun District Local Plan \(2003\):](#)

|       |                                              |
|-------|----------------------------------------------|
| GEN7  | The Form of New Development                  |
| GEN2  | Built-up Area Boundary                       |
| DEV19 | Extensions to existing residential buildings |

[Publication Version of the Local Plan \(October 2014\):](#)

|        |                                                |
|--------|------------------------------------------------|
| D DM1  | Aspects of Form and Design Quality             |
| SD SP2 | Built -Up Area Boundary                        |
| D SP1  | Design                                         |
| 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 plan was subject to consultation until 23rd February 2018.

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).

Felpham has a 'made' neighbourhood plan which has been a material consideration during the planning process. Policy ESD1 are considered relevant to the determination of 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 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

### PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policies considered are GEN7 and DEV19 of the Arun District Local Plan. Policy EDS1 of the Felpham Neighbourhood Plan and the National Planning Policy Framework.

### DESIGN AND VISUAL AMENITY

The proposed front garage extension will be situated to the front of the property. As such the extension will be visible from the street scene. The proposal will have an eaves height of around 2.2m and a front pitch roof so that it appears well integrated and subservient to the main dwelling.

It will also be constructed of materials to match the existing property.

There is around 17m from the front of the proposed extension to the front eastern boundary and therefore it is set well back from the road. Sufficient hedging around the north and south boundary also help to screen the proposed garage extension.

The area has a variety of housing designs and therefore it is not considered that the proposed front garage extension will have any unacceptable adverse impacts upon the spatial pattern or character of the area and therefore accords with GEN7 and DEV19 of the Arun District Local Plan and EDS1 of the Felpham Neighbourhood Plan.

### NEIGHBOURING RESIDENTIAL AMENITY

The proposed front garage extension will be approximately 5.5metres in length and around 3.3m in total height. It will extend forward of the principal elevation by around 1.7metres with 17m separation distance to the front boundary.

There may be a potential for slight loss of light to the adjacent property at No.1 as the proposal runs close alongside the southern boundary, however it is noted that the rooms which may be affected are not considered principal rooms and given the neighbouring property is set back approximately 2m from the side boundary and with screening from fencing and hedging of around 2m in height, it is not considered there will be any significant adverse impacts to the neighbouring amenity.

The proposed garage extension will have a door to the front which will overlook the front garden. With no proposed windows to the southern elevation it is not considered there will be any overlooking or loss of privacy to the neighbouring property.

The proposal is therefore not considered to give rise to any unacceptable adverse overbearing, overlooking or overshadowing impacts upon the neighbouring residential amenity. The proposal therefore is in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

### SUMMARY

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

## 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
  - Location Plan -18/05/4
  - Block Plan - 18/05/03
  - Existing and Proposed Floors, Roofs and Elevations - 18/05/02

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 building 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 **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.