

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

REF NO: FP/46/15/HH

LOCATION: 14 Manor Close
Felpham

PROPOSAL: Proposed extension to rear elevation. Demolition of garage & provision of new with carport. Proposed porch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal would involve a small front porch extension linked to a proposed side car port canopy. It would also include a single storey extension to side and rear. These would have a hipped roof and are proposed to be of materials to match existing.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

Medium density.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m close boarded fencing and hedging to some areas.

SITE CHARACTERISTICS

The site comprises a two storey detached, mock tudor dwelling with hipped roof. With detached garage to side, large rear garden and front driveway.

CHARACTER OF LOCALITY

The area is characterised by large detached dwellings in a suburban residential locality, abutting a conservation area.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Felpham Parish Council

Object-The proposal would have a detrimental effect on the street scene and is out of keeping with the surrounding area.

One letter of objection: Proximity of the single storey extension will effect view and outlook from lounge, patio and garden. They also objected on grounds that are not planning issues.

Comments on Representations received:

Comments noted. It is not considered that the extension would have a detrimental impact on number 12 as there is an existing side garage and the extension will not increase the impact on the neighbouring property significantly from existing.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Abutts Conservation Area

ADOPTED LOCAL PLAN

TREE PRESERVATION ORDER

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19 AREA2 GEN2 GEN7	Extensions to existing residential buildings Conservation Areas Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):		HER DM3 Conservation Areas 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
Felpham Neighbourhood Plan 2014 POLICY ESD7		Felpham conservation area

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Felpham Neighbourhood Development Plan policies will be a material consideration in making a recommendation on this proposal.

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.

The extension is not considered to harm the setting of the designated Conservation Area to the rear but it would impact on the view from a small 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 site is within the built up area boundary and as such the principle of the extension is considered acceptable.

DESIGN

The proposed extension will have a hipped roof to match that of the existing property with materials to match existing. It would only be single storey. As such it is considered to be subservient to the main property and street scene, would preserve the appearance of the adjoining conservation area and is acceptable in design terms.

NEIGHBOUR AMENITY

The proposal would bound the property of number 12. As there is already an existing side garage of similar height, it is not considered the extension would be overbearing or visually intrusive. The proposal would comply with the BRE daylight test to side windows and not result in loss of light.

The whole section of the proposal immediately adjacent to the side elevation and to the rear could be carried out under permitted development so the neighbour impact could be created anyway without Council control.

Given the extension would be single storey, there will be no opportunity for overlooking and as the roof is hipped, it is highly unlikely to be used as a terrace/balcony. Although the extension will project significantly to the rear, number 12 is set well away from the boundary and the height of the extension would not lead to visual intrusion or an overbearing impact.

PARKING

The number of off-street parking spaces will not be reduced by the proposal.

Given the above the application is recommended for approval.

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 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 (Neutral) 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).

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 001, 002 and 003 dated 31 March 2015.

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 dwelling.

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.