

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

REF NO: FP/46/18/HH

LOCATION: 119 Felpham Way
Felpham
PO22 8QB

PROPOSAL: Single-storey rear conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to erect a rear single storey conservatory that incorporates the rear porch into its footprint.
SITE AREA	Approx. 579sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the site is bordered by 1.8m high fencing. The front elevation is reasonably open plan, although fencing prevents views into the rear garden.
SITE CHARACTERISTICS	The site is populated by a bungalow with a wraparound driveway.
CHARACTER OF LOCALITY	The area is populated by a mix of housing styles and types, although they are predominantly bungalows, or chalet bungalows.

RELEVANT SITE HISTORY

FP/289/17/HH	Replacement of single storey front porch, rear single storey ground floor extension, rearrange existing PV solar panels to front roof pitch, replace pebble dash render with smooth render, replace existing red concrete roofing tiles with plain clay tiles, new loft conversion with front & rear dormer & 2 No. roof lights. This application may affect the setting of a listed building.	ApproveConditionally 29-01-18
FP/194/12/	Change of use from office (A2 Financial & Professional Services) to residential (C3 Dwelling Houses)	App Cond with S106 02-01-13
FP/97/12/	Change of use from office (A2 Financial & Professional Services) to residential (C3 Dwelling Houses)	

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Parish Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Tree Preservation Order

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
D SP1	Design

[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 taken 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 Main Modifications to the Arun Local Plan (2011-2031) were previously out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 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 does have a 'made' neighbourhood plan, of which Policy ESD1 is deemed to be relevant to this development.

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.

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 is situated within the built up area boundary where the principle of development is acceptable subject to accordance with GEN2 of the adopted local plan. In this case the key policies are considered to be GEN7 and DEV19 of the Arun District Council Local Plan and EDS1 of Felpham Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

By virtue of its location and intervening fencing, the proposed extension is not visible from the street scene and therefore does not give rise to any unacceptably adverse impact on the character of the locality of the established spatial pattern of the area.

The proposal is light in construction and is deemed to be in keeping with the established character of the area. The proposed conservatory is deemed to remain visually subservient to the host dwelling, nor is it deemed to harm its established character.

The proposal is therefore deemed to be in accordance with policy GEN7(ii) of the Arun District Council Local Plan and ESD1 of the Felpham Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposals highest point sits 2.2m lower than the ridge height of the host dwelling, and therefore is not deemed to give rise to any significant adverse impact on neighbouring residential amenity. There is not deemed to be a significant loss of privacy as the view from the windows is impeded by the fencing that lies between the two properties. Additionally, the views from the conservatory are ground floor and therefore, would be no different from those available from the garden itself if there were no fencing.

Due to the light construction of the proposed extension (mostly glass) there is not deemed to be any overshadowing or overbearing impact as the natural light cannot be impeded by the majority of the transparent extension.

The proposal is deemed to accord with policies GEN7(iv) and DEV(iii) of Arun District Council Local Plan.

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.

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

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 and Site Plan - 5228/PP/01 - WF5228AV - 26 FEB 2018
- Proposed elevation and floor plan - 5228/PP/03 - WF5228AV - 26 FEB 2018

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 **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.