

Recommendation Report for Planning Permission

REF NO: FP/46/19/PL

LOCATION: 28 Sea Drive
Felpham
PO22 7NE

PROPOSAL: Application for variation of condition no 2 imposed on planning reference
FP/205/18/HH relating to amended design

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary condition 2 which refers to approved plans in such that it amends the design and layout of that which was previously approved under FP/205/18/HH.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The side boundaries of the property consist of fencing approximately 1.8.m in height. To the front there is a low brick wall with driveway access. To the rear there is hedging and fencing. There is a footpath which runs along the western elevation for access to the beach.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling with integral garage.
CHARACTER OF LOCALITY	The area is a residential estate, privately owned. The surrounding area is characterised by mainly detached two storey dwellings of varying designs and styles, set back from the road with off street parking.

RELEVANT SITE HISTORY

FP/205/18/HH	New entrance & double height hallway to front elevation, first floor extension over existing single storey side extension, single storey rear extension with glazed doors to balcony, creation of first floor balcony, single storey rear extension & cladding to entire dwelling.	ApproveConditionally 23-11-18
FP/91/17/PL	Demolition & erection of 1 No. dwelling.	ApproveConditionally 19-06-17

Planning permission was granted for a replacement dwelling in June 2017 under reference FP/91/17/PL. A subsequent application followed for substantial alterations and extensions to the existing dwellinghouse which was approved under FP/205/18/HH.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council

Felpham Parish Council provided an objection.

- Rear of adjoining properties overlooked causing lack of privacy.
- Overdevelopment of the site
- Out of keeping with adjoining properties.
- Less than 1m at second floor level between property and No.27.

8 letters of objection from 6 nearby occupiers

- Overdevelopment.
- Out of keeping.
- Will upset the visual rhythm of the road.
- It will encroach on privacy and enjoyment of residents.
- Overbearing.
- There will be a parking issue.
- Adjoining path will be closed which will impact on those who use it.
- My view will be blocked.
- Proposal is extremely unneighbourly.
- Plans are misleading and do not match.
- It will affect the value of the properties.
- Overshadowing due to increased height.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusion.

- There is no information submitted to state the adjoining access path will be closed.
- Property value is not a material consideration
- Amended plans were received to show the correct siting of the balcony.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICES

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
SDSP2	SD SP2 Built-up Area Boundary

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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Relevant FNDP policies have been considered in this report.

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 is not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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 site lies within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Felpham has a 'made' Neighbourhood Plan with policy ESD1 of relevance to the application. The proposal is considered to comply with this policy.

This application seeks permission to amend the design of that previously approved under FP/205/18/HH.

DESIGN AND VISUAL AMENITY

There are a number of alterations proposed to the dwelling. To the front elevation the dormer above the garage will increase size. This will increase approximately 1m in width and depth and 2m in height. The front gable will also increase in depth and height to sit just below that of the host dwelling.

The porch design will alter to form a higher pitched roof and the window above and to the ground floor will also alter in design slightly. Whilst the alterations change the appearance of the dwelling at the street scene, they are not considered to result in the dwelling appearing unduly dominant or out of character with the area.

The dwelling does sit marginally in front of that of the neighbouring properties and established development line however this is not considered to significantly increase from that which has already been approved.

It is considered the proposed amendments would not adversely impact the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

To the rear elevation there will be further amendments to the design of the dwelling.

The rear elevation will increase in depth at two storey from 2.6m to around 4.4m. This will extend to meet in line with the neighbouring dwelling at No.27. It will then reduce to single storey with a balcony above. The balcony siting will alter with its depth reducing to 1.75m. The balcony will retain the separation to the eastern elevation however a juliet balcony will be constructed. The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously impact upon neighbours outlook or daylight. Due to its siting this is not considered to give rise to significant overlooking.

The increase in depth to the rear at two storey level would result in some overbearing upon both No. 27 and 29. However, the amendments to the design will not significantly increase overbearing or overshadowing upon neighbouring amenity than compared to the development which has already been approved on the site.

At No. 29 there are first floor windows which may suffer some loss of light due to the increase in depth of the rear elevation however again this is not considered significant in which a refusal is justified.

The style of doors to the rear ground and first floor elevation will alter however this is not deemed to give rise to any adverse overlooking upon neighbouring amenity. The rooflight to the single storey addition

has also been reduced in height and an additional window is proposed to east elevation however at ground floor level again these alterations are not considered to adversely impact neighbouring amenity.

The proposed alterations are therefore not considered to significantly harm neighbouring amenity by way of overshadowing, overbearing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

It is therefore recommended that planning permission be granted in accordance with the following conditions and informatives. It should be noted that these conditions reflect those attached to FP/205/18/HH and have been updated to reflect the development plan and the current proposed plans.

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 23-11-2018, which is the date of the original planning permission FP/205/18/HH.
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
 - Existing and Proposed Block Plan - APL.08.0
 - Proposed Elevations - APL.07.3
 - Roof Plan as Proposed APL.06.3
 - Ground and First Floor Plan as Proposed - APL.05.3

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The balcony screening to the eastern and western side elevations shall at all times be glazed with fixed obscured glass to a height of 1.7m as shown on the plan APL 07.3 and retained in perpetuity.

Reasons: To protect the amenities and privacy of the adjoining property in accordance with policies DDM4 of the Arun Local Plan.

- 4 The roof area of the extension beyond what is shown on the approved plans as a balcony hereby shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reasons: To safeguard the amenities of the occupiers of adjoining properties in accordance with policy DDM4 of the Arun 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.