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

REF NO: **FP/58/13/**

LOCATION: 40 Hinde Road
Felpham

PROPOSAL: Proposed single storey extension at rear. Small entrance porch. Replacement of flat roof over bay window and projecting garage with mono pitch roof. Replace defective render at first floor with pre finished fibre cement weatherboarding.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for (1) single storey extension at rear to cover the width of dwelling; (2) a small entrance porch; and (3) replacement of the flat roof over the front bay window and projecting garage with a mono pitch roof. In addition, the applicants will be replacing defective render at first floor with pre finished fibre cement weatherboarding. The measurements for these aspects are as follows: (1) 4.2m deep by 8.5m wide with 2m to the eaves, 3.3m to the monopitch (all approximate); (2) 1.2m deep (projecting forward) by 2.3m wide. 2.3m to the eaves, 3.6m to the pitch; and (3) Total height of pitch roof - 3.2m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is timber fencing to both sides at the rear of the property. The fencing on both sides is approx. 1.8m in height and is part covered with vegetation on the side of 38 Hinde Road. The fencing to the rear is topped by a high hedge over 2m in height. The front gardens have 1.6-1.8m high fencing to the sides also with hedging.
SITE CHARACTERISTICS	No. 40 Hinde Road is a medium sized detached dwelling set in a typical residential plot with front and rear gardens. The property is slightly unusual in that its neighbour on the eastern side is located on a different road yet the houses have the same building line. Indeed both of the neighbouring dwellings are built on the same building line. Both also have rear extensions and one of the two also has a porch and a pitched roof over the front bay window. The neighbour on the western side (38 Hinde Road) has a rear extension measuring approximately 3.2m deep. The neighbour on the eastern side (26 Leverton Avenue) has

an extension measuring approximately 4.2m deep. This would seem to be the same depth as the proposed extension at 40. 26's front porch also has similar dimensions to that proposed in this application.

CHARACTER OF LOCALITY — This a typical residential area.

RELEVANT SITE HISTORY

FP/225/06/	Porch and replacement of flat roof with pitched roof	Approve Conditionaly 27-10-2006
FP/74/07/	Single storey extension to existing house, new conservatory, pergola and modified porch	Approve Conditionaly 09-05-2007
FP/70/08/	Rear Extension (Resubmission following approved permission FP/74/07)	Approve Conditionaly 27-05-2008

There is no planning history associated with 40 Hinde Road. However, with respect to the eastern neighbour, 26 Leverton Avenue, there was an approval for the existing rear extension under Ref FP/70/08 and this is a similar depth to the proposed extension at 40. In addition, 26 had, under Ref FP/225/06, permission granted for a porch and replacement of flat roof with pitched roof over the bay window. Therefore, 26 Leverton Avenue has had previous permissions for very similar if not the same proposals as now being determined in respect of 40 Hinde Road.

The neighbour on the other side (no. 38 Hinde Road) has no planning history. The extension that they have to the rear is less than 4m deep and therefore this would have been permitted development.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

POLICY CONTEXT

The site lies within the built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 should be noted that under the 2013 Amendments to the General Permitted Development Order which came into force in late May 2013 after the application was received, the proposed rear extension at less than 8m in depth would be permitted development - albeit that it would need to go through a prior approval process including consultation with neighbours.

CONCLUSIONS

Given the existing rear extensions to both neighbouring properties and the distance between each house (approx. 3m on both sides), the proposed rear extension will not have any impact on the amenity and living conditions of neighbouring properties. The proposed extension is also partly screened by existing fencing to the boundaries.

With regard to the proposed bay window pitched roof and front porch, this matches with that approved to the neighbour on the eastern side and it would be difficult to refuse given this precedent. Notwithstanding, the additions to the front will have no detrimental impact on the streetscene and the proposals are therefore considered to comply with relevant policies.

HUMAN RIGHTS ACT

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 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 materials and finishes of the external walls of the rear extension 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.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19.

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.