

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

REF NO: FP/69/17/HH

LOCATION: 18 Ley Road
Felpham

PROPOSAL: Single storey rear extension with chalet style loft conversion and alterations to front element

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to remove the existing single storey conservatory which projects 3.7 metres and replace it with a 1.5 storey transverse gable ended extension which would project 5 metres from the rear of the original dwellinghouse, have a width of 7.8 metres across the rear elevation set in 36cm on either side. The height of the rear extension would be 2.6 metres at the eaves rising to 5.9 metres at the ridge 50 cm lower than the main ridge height.

At the front the proposal is to clad the existing front porch extension with cement boards (currently rendered) and to reduce the size of the windows in its front elevation.

SITE AREA

500 sq.m,.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

A 2 metre close boarded fence to the rear garden boundary. A low 50 cm brick wall to the front.

SITE CHARACTERISTICS

A 1.5 storey brick and tile chalet bungalow with a driveway and garage to the side of the property

CHARACTER OF LOCALITY

A residential area consisting of similar properties with various minor extension to the front, rear and at first floor level within the roof.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS**Representations received:**

Felpham Parish Council

No objection

Comments on Representations received:

Noted

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

N/a

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
DEV19

Publication Version of the Local
 Plan (October 2014):

Felpham Neighbourhood Plan 2014 POLICY
 ESD1

Felpham Neighbourhood Plan 2014 POLICY
 ESD10

Built-up Area Boundary
 The Form of New Development
 Extensions to existing residential buildings

D DM1 Aspects of Form and Design
 Quality
 D DM4 Extensions and Alterations to
 Existing Buildings (residential and non-
 residential)
 SD SP2 Built-Up Area Boundary
 Design of new development

Design details

PLANNING POLICY GUIDANCE

NPPG
 NPPF

National Planning Practice Guidance
 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.

A new local plan is in preparation may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies ESD1 and ESD10 of the Felpham Neighbourhood Plan are considered relevant to 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

PRINCIPAL

The site is located within the built-up area where the principle of development is acceptable in accordance with policy GEN 2 of the Arun District Council Local Plan. The development proposal is therefore acceptable in principle, subject to accordance with other relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan which in this case are GEN7 and DEV19 and policies ESD 1 ESD 10 of the Felpham Neighbourhood Plan which seek to prevent development that would have an adverse impact upon visual and residential amenities of the host and neighbouring properties.

DESIGN AND VISUAL AMENITY

The proposal for a rear extension will not have an impact on public areas as the extension is located on the rear elevation of the property and no views to public areas are afforded.

The proposed extension is to be constructed of attractive materials to match the existing dwellinghouse (see condition) and would be of a scale and size commensurate with the host building.

The alterations to the front porch extension would not alter its size or shape and would simply change its external materials from render to blue grey cladding and reduce the size of the windows which by virtue of a renewal of aging external materials of construction would approve the appearance of the dwelling within the street scene.

The design of the rear extension is considered to harmonise as a whole with the existing dwelling and will not have an adverse impact on the street scene and is therefore considered to comply with relevant policies GEN7(ii) & DEV19 (i),(ii)&(v) of the Local Plan and Felpham Neighbourhood Plan policies ESD 1 and ESD 10.

NEIGHBOUR AMENITY

The proposed rear extension would be slightly set in from the side elevations of the existing building. Both neighbouring properties to the east and west have rear conservatory extensions and garages on the boundary such that the 1.5 storey chalet bungalow would not project more than 2 metres from the rear elevations and habitable room windows of the neighbouring properties.

The velux window in the western roof elevation would be 1.8 metres above floor height and would

not cause a loss of privacy. The ground floor high level windows in the side elevations of the proposed rear extension would face toward the boundary fence of the property and again would not result in a loss of privacy to neighbouring properties.

The proposed front alterations and rear extension would not cause a significant loss of light, overbearing impact or loss of privacy to neighbouring properties.

The Council uses the 45 degree rule to assess the impact of proposed extensions in terms of a loss of light and overbearing impacts caused on the primary habitable room windows of neighbouring properties. A 45 degree line is drawn from the centre of the neighbours closest habitable room window and the proposed extensions should not intersect that line. In this case, the proposed extensions at the front and rear would comply with the 45 degree rule.

The proposal is considered to be acceptable in terms of residential amenity in accordance with policies GEN7(iv) and DEV19(iii) of the Local Plan.

PARKING

Off street parking for 3 cars will be retained to the side driveway and garage commensurate with WSCC standards. As such, it is not considered that the proposal would lead to significant on-street parking pressure.

The application is recommended for conditional permission.

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 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;
Block/Site Plan
Proposed Floor Plan 01 dated 10/03/20-17
Proposed E Elevation 01 dated 10/03/2017
Proposed S Elevation 01 dated 10/03/2017
Proposed N Elevation 01 dated 10/03/2017
Proposed W Elevation 01 dated 10/03/2017
Proposed Roof Plan 01 dated 10/03/2017

Weatherboard Materials colour contained in email received Wed 17/05/2017 14:15

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs 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.

- 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.