

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

REF NO: FP/70/17/HH

LOCATION: 45 Westmorland Drive
Felpham

PROPOSAL: Single storey side & rear extensions & front porch to existing dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Flat roof, cedar clad single storey side extension & rear extensions, and front porch both in brickwork to match existing with flat roofs.

SITE AREA

Approx. 348sq.m.

TOPOGRAPHY

Gardens slopes down at rear. House is set up from road.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Open plan to front elevation. The extension at the rear of 43 shields most views into the rear garden. The fencing with their neighbour at 47 is half 1.8m high staggered horizontal fencing, with 0.8m high similarly styled fencing making up the other half.

SITE CHARACTERISTICS

Two storey, semi-detached house with a gable end roof, set back from the road with garage to side and driveway and garden to front.

CHARACTER OF LOCALITY

The area is characterised by semi-detached, two storey houses, with similar 'wrap-around' extensions at 34,31,35 and 37. There are front porches at numbers 39,43,47,42,34 and 39.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

No public representations received.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water - (please see relevant informative) "A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Comments on Consultation responses:

Comments noted and added as informative.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
GEN2
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
Design of new development

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 Parish Neighbourhood Development Plan policy ESD1 is relevant to the 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.

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

DESIGN & VISUAL AMENITY

This development is sympathetically designed, as the materials and front porch design are deemed to meet with the general character of the area and host dwelling. Many dwellings along the road have had the same development and most of it is not visible from the street scene. The porch is the part of the development with the most impact on the street scene, but due to the frequency of porches on the road it is in keeping with the character of the area. There is not deemed to be a detrimental impact on the amenity of the area.

NEIGHBOURING AMENITY

Number 47 has an existing single storey rear extension so will receive a limited impact in terms of loss of light and visual intrusion. Number 43 also has an existing rear extension. The rear extension projects modestly rearward of the existing extension at number 43. As such, the proposal will have a limited impact in terms of visual intrusion and overshadowing. The development passes the 45 Degree test to rear windows (ground floor) of 43 and 47.

PARKING

No loss of off-street parking is proposed.

It is recommended that this application be approved in accordance with the following conditions and informatives.

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:

- LOCATION PLAN, EXISTING SITE LAYOUT PLAN & PROPOSED SITE LAYOUT - PL01-01
- EXISTING GROUND FLOOR LAYOUT - PL01-02
- EXISTING FIRST FLOOR & ROOF LAYOUT - PL01-03
- EXISTING ELEVATIONS - PL01-04
- PROPOSED GROUND FLOOR LAYOUT - PL01-05
- PROPOSED ELEVATIONS - PL01-07
- PROPOSED ROOF LAYOUT - PL01-06

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 of the front porch 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:** Southern Water - Building over a 'public sewer' is not normally permitted by Southern Water, however, it will be allowed in certain circumstances. Therefore, a

formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 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.