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

REF NO: **FP/75/15/HH**

LOCATION: 40 Links Avenue
Felpham

PROPOSAL: Demolition of existing detached garage & erection of single storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey side extension measures approximately 12.56m in length, 3.3m in width and 3.03m in height.
SITE AREA	Approximately 403 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The entire site is enclosed by close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Two storey dwelling with single storey flat roof extension on the rear. Detached garage on the southern side to be removed. Main garden area is to the front and enclosed by fencing and gates. The property has smooth rendered walls painted white, tiled and gabled roof with occasional sections of weatherboarding.
CHARACTER OF LOCALITY	Residential comprising a mixture of predominantly detached properties of various ages, styles and designs. The presence of mature landscaping and grass verge contributes to the character and appearance of the area.

RELEVANT SITE HISTORY

FP/123/14/HH	Rear & side single storey extension	ApproveConditionally 10-10-2014

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Environment Agency

Consultations responses received:

Environment Agency
The application falls within the scope of our Flood Risk Standing Advice (FRSA) for householder and minor extensions, as the applicant has referred to in the Flood Report.

Comments on Consultation responses:

Environment Agency comments noted
A completed Flood Risk Assessment Form confirming that ground floor levels of the extension will not be lower than those of the rest of the building has been submitted. This is a satisfactory approach to mitigate against flood risk as per the FRSA.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN11	Inland Flooding
Publication Version of the Local Plan (October 2014):		C SP1 Countryside D DM3 External Space Standards D SP1 Design SD SP2 Built-Up Area Boundary W DM3 Sustainable Urban Drainage Systems
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD2		Development in flood sensitive areas

PLANNING POLICY GUIDANCE

NPPF	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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Angmering, Arundel; Barnham & Eastergate; Bersted, East Preston, Felpham, Ferring, Kingston, Littlehampton, Rustington and Yapton.

The Felpham Neighbourhood Development Plan has been made and in this instance it is considered that policies ESD1 and ESD2 apply.

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.

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CONCLUSIONS

The application is a re-submission of a previous application FP/123/14/HH which was approved for the removal of the detached garage and construction of a single storey rear and side extension.

The amended plans now submitted have increased the length of the side extension although the width remains the same. It will be sited to the southern side boundary and will be the whole length of the host dwelling being set in line with the front flank wall of the dwelling and rear flank wall of the existing rear flat roof extension. The extension is considered to be visually subservient in terms of its design and scale.

The neighbouring two storey property to the south No 38 has three windows on the north side elevation of the property, two of which are obscure glazed. The proposed extension will not be significantly higher than the existing garage which is sited to the boundary and the lantern roof light will be angled upward and is of a sufficient height not to create overlooking. With the absence of windows on the side elevation and fencing to a height of 1.8m along the southern side boundary it is not considered that the extension would create unacceptable overshadowing or loss of outlook to recommend refusal.

The proposed extension will not be readily visible within the street frontage due to the presence of close boarded fencing surrounding the front and side boundaries. It is not considered that the extension would have a significant impact on the visual amenities of the area or harm the residential amenities of the occupiers of the neighbouring property.

It is therefore recommended to approve the application, subject to 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 for 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 a neutral impact has 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).

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 received on 20th May 2015.

Site 1:1250.
Block 1:500.
Proposed Floor 1:100.
Existing/Proposed Front Elevation 1:100.
Existing/Proposed Rear Elevation 1:100.
Existing/Proposed South Side Elevation 1:100.
Existing/Proposed North Side Elevation 1:100.

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 extension hereby permitted shall match in colour and texture those of the host dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 The development permitted shall only be carried out in acccordance with the approved Flood Risk Assessment accompanying this application and the following mitigation measures detailed within the FRA.

Floor levels within the proposed development will be set no lower than existing floor levels and flood proofing of the proposed development will be incorporated where appropriate.

Reason: To reduce the risk of flooding to the proposed development and futute occupants in accordance with policies GEN7, GEN11 of the Arun District Local Plan.

5 INFORMATIVE: Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will

encroach on, under or over adjoining property.

6 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.