

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

REF NO: FP/77/15/HH

LOCATION: 32 Westmorland Drive
Felpham

PROPOSAL: Single storey rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed rear extension has a maximum width of 7.1m, depth of 3.3m with an eaves height of 2.6m and maximum height of 3.5m.
SITE AREA	Approximately 210 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the front, close boarded fencing approximately 1.8m in height, rear has close boarded fencing plus hedging over 2m in height.
SITE CHARACTERISTICS	Two storey semi-detached property with red brick elevations, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising semi-detached properties of similar style and appearance.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
PDR Open Plan Condition

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Felpham Neighbourhood Plan 2014 POLICY
ESD1

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)
D SP1 Design
SD SP2 Built-Up Area Boundary
Design of new development

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 plan policies are a material consideration in this application and in this instance it is considered that policy ESD1 applies.

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

The application seeks to construct a rear extension which will comprise a utility, cloakroom, dining and study.

The proposed rear extension which has a hipped roof will be sited to the northern side boundary and set in from the southern side boundary by approximately 1m. It will extend across the whole width of the dwelling and beyond the side flank wall by approximately 1.5m with a maximum width of 7.2m, depth of 3.3m with a height of 3.5m. To allow for additional light into this area three roof lights are proposed. The extension is considered to be visually subservient to the host dwelling in terms of its size and height.

With regard to residential amenity the proposed extension will be sited approximately 4m from the neighbouring property to the south No 34. This property has a single storey extension on the rear of the property that has a rear projection of approximately 2.6m and there is a wooden shed that

is sited to the boundary. The proposal has a window and door on the side flank wall, the window serves a cloakroom and, if approved, will be conditioned to be obscure glazed. It is not considered that the extension would give rise to a loss of outlook or daylight to the occupiers.

The proposed extension will be sited to the boundary with the adjacent property No 34. The Council as a consideration in determining planning applications have adopted a 45 degree rule as a tool to balance the interests of those persons wishing to extend their premises and their neighbours by ensuring that extensions do not seriously affect a neighbour's outlook or daylight. This property has a door and window on the rear which serves the dining area and the 45 degree line has been taken from the middle point of this window and falls short of this rule. However, a rear extension with a depth of 3m could be constructed under "Permitted Development" without the need for the submission of a planning application. With its single storey height it is not considered that the extension would create harmful overshadowing or loss of outlook to recommend refusal.

The rear addition will be set back from the front boundary by approximately 13m. It is considered that the development would be in keeping with the character and appearance of the locality and would not have a significant impact on the visual amenities of the locality, or an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

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 residential use) 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 6th May 2015.

Location 1:1250.

Block 1:500.

Existing/Proposed Floor 1:50 Drg No 150216/2 dt 16.2.15.

Existing/Proposed Elevations & Roof 1:100 Drg No 150216/1 dt 16.2.15.

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 and roof of the 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 The cloakroom window on the south side elevation of the extension shall at all times be glazed with obscured glass with only the top fan light capable of being opened.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District 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.