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

REF NO: **FP/80/15/HH**

LOCATION: 10 Walsham Close
Felpham

PROPOSAL: Construction of single storey extension to the side and rear

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 492 square metres
TOPOGRAPHY	Predominantly flat
TREES	None of any significance.
BOUNDARY TREATMENT	Open plan to the front. To the rear, a 1.4m close boarded fence encloses the garden.
SITE CHARACTERISTICS	Semi-detached dwelling with 'rooms in the roof' and attached garage to the eastern side set back behind the front elevation. The garage is attached to the garage of a neighbouring detached bungalow at 12 Walsham Close. The property is set back 20m from the highway on the turning head at the bottom of a cul de sac leaving a minimum of 12m of driveway clear of the front elevation.
CHARACTER OF LOCALITY	Cul-de-sac comprising of bungalows and 2 storey brick built properties with concrete tile roofs. Open plan in character.

RELEVANT SITE HISTORY

FP/122/04/ - Loft extension - approved

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - No objection.

Comments on Representations received:

Parish Council comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:
N/A

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		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
Felpham Neighbourhood Plan 2014 POLICY ESD1		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 Development Plan has been made and in this instance it is considered that Policy ESD1 applies.

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

The application seeks to construct a single storey extension to the side and rear elevation of the dwelling.

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 as well as Policy ESD1 of the Felpham Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

The extension will be sited on the east side of the dwelling and 3.8 m to the south of the extension into the rear garden along the boundary with 12 Walsham Close. The extension will form 2 bedrooms, a bathroom and a second sitting room to the property formed on an extended footprint forward and behind the footprint of the existing garage. The flat roofed extension at 2.2 m height would be level with the existing front elevation and its height would match the existing eaves of the main gable ended roof.

Such a form of flat roofed single storey development to the side of the property is replicated on the cul de sac including the immediate neighbouring properties at 6,8 and 12 Walsham Close.

The extension is of a size and height that is visually subservient to the host dwelling.

RESIDENTIAL AMENITY

To the rear the extension will project 3.8m further than the existing garage. The neighbouring property most affected has a linked garage to the rear. Therefore no habitable room windows will be affected and no window areas included on the east facing elevation toward no. 10. A condition preventing the insertion of windows into the east facing elevation of the extension would ensure that privacy of the rear garden of 10 Walsham Close would be protected.

The rear extension would result a marginal loss of afternoon and evening light to the rear garden and greenhouse currently located on the boundary of the neighbours property at no. 10 to the rear of the garages. The loss of daylight would not be sufficient to warrant the refusal of the application

The outlook from no. 12 would not be adversely affected as no habitable rooms would be affected.

CONCLUSION

The development would be in keeping with the character and appearance of
the surrounding area 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.

The application is recommended for approval, 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans;

05 - Proposed Ground Floor Plan - February 2014
06 - Proposed North Elevation - February 2014
07 - Proposed South Elevation - February 2014
08 - Proposed East Elevation - February 2014
09 - Proposed West Elevation - February 2014

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.

2 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).

3 The materials and finishes of the external walls and roofs 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 No windows shall be constructed in the East elevation of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

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

5 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 10 Walsham Close as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to

prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

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.