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

**REF NO:** **FP/93/14/HH**

**LOCATION:** 1 Culver Road
Felpham

**PROPOSAL:** Garage extension

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | As above. |
| SITE AREA | Approximately 285 square metres. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None affected by the proposed development. |
| BOUNDARY TREATMENT | Brick wall and timber fencing to the front. Approximately 1.5 metre high brick and render wall to the side (west). |
| SITE CHARACTERISTICS | The site is occupied by a detached two-storey dwelling that has painted rough render elevations and a tiled hipped roof. There is a flat roof extension and garage positioned to the west of the dwelling. |
| CHARACTER OF LOCALITY | The site is located on a residential road which is bordered by a linear arrangement of dwellings consisting of a mixture of designs and scales. |

## RELEVANT SITE HISTORY

None.

## REPRESENTATIONS

**Representations received:**

Felpham Parish Council

No objection.

One letter of objection: Will overshadow our kitchen and living room windows. Construction works may destabilise the wall between our properties.

**Comments on Representations received:**

Noted. Potential impact upon adjoining structures is a building regulations rather than planning matter.

## CONSULTATIONS

**Consultations responses received:**
None.
**Comments on Consultation responses:**
None.

**POLICY CONTEXT**

Within Built-Up Area

**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): | | |

**PLANNING POLICY GUIDANCE**

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|---|---|---|
| | NPPF | National Planning Policy Framework |

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

## 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 conflict with Arun District Local Plan Policies GEN7 and DEV19 in that it would have an unneighbourly impact upon the amenities of the occupants of the neighbouring property to the west.

## 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 proposal involves extending the existing garage to the effect that it will project further towards the road. Whilst the extension does not protrude further towards the road than the existing building, and consequently would not appear disruptive within the street scene, it is noted that the extension would run alongside, and be within close proximity to, ground floor windows at the neighbouring property to the west, No. 9 Blakes Road.

It is therefore considered that the proposed extension would appear overbearing towards the occupants of No. 9 Blakes Road and bring about undue levels of overshadowing towards that property.

As such, it is recommended that the application is refused for the following reason.

## 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation

for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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, it has been determined that its refusal will have a neutral impact 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

**REFUSE**

1 The proposed extension would be detrimental to the amenities of the occupiers of the adjoining property to the west by way of causing undue levels of overshadowing in conflict with policies DEV19 and GEN7 of the Arun District Local Plan.

2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.