

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

REF NO: AB/148/14/HH

LOCATION: 21 Stewards Rise
Arundel

PROPOSAL: Retention of climbing frame

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks permission for the retention of an unauthorised play/climbing frame equipment in the rear garden of this dwelling. The equipment has a maximum height of 3.95m. It has an overall footprint of 5.5m by 7.8m, although the main 'tower' elements are of lesser footprint. the equipment is comprised of 2 linked/adjoining towers, with a slide at one end and swings at the other. The main mass of the equipment and height is more centrally located.

The submitted details also include a suggestion to install panel fence screen elements facing towards the rear of nos.3, 5 and 7 Dalloway Road. The applicant has indicated that they would also be prepared to plant screening.

SITE AREA

The site is 0.1 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

This is a relatively low density area of mixed house types.

TOPOGRAPHY

The land in the locality slopes gently downwards from north west to south east. The dwellings in Dalloway Road are therefore raised slightly above the level of the site of the equipment.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The application dwelling is screened by boundary planting of varied heights (Approximately 1.6m up to beyond 2.5m in places. there are also fence panels of some 1.8m.

SITE CHARACTERISTICS

The application dwelling is a bungalow. It has

an inverted 'L' shaped rear garden. The equipment is located in the 'foot' of the 'L' and furthest from the bungalow.

CHARACTER OF LOCALITY

An area of mixed house types, including bungalows in Stewards Rise adjoining the application site. Two-storey dwellings are located to the north-west of the site of the equipment and an bungalow in Stewards Rise had its rear boundary adjoining the site of the equipment.

RELEVANT SITE HISTORY

TR/4/61	3 bungalows and garages	Approve 16-08-1961
TR/4/61/A	Alts to approved plan for bungalow	Approve 04-07-1962

REPRESENTATIONS

Representations received:

Arundel Town Council

Arundel Town Council raises no objection.

1 objection letter has been received from an adjoining occupier in Dalloway Road, the rear of which faces the site and which has a corner of its rear garden adjoining the site of the equipment. The grounds of objection are:

1. That the equipment dominates the objector's rear garden and sitting room window due to its height of some 12 feet and proximity to the boundary of approximately 6 feet.
2. That the equipment results in significant privacy loss from overlooking.
3. Screening hedges and trees have been removed to accommodate the equipment.

Comments on Representations received:

Amenity impact on neighbours will be considered in the Conclusions section of this report.

CONSULTATIONS

Consultations responses received:

No consultees.

Comments on Consultation responses:

None applicable.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

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

Built-up Area Boundary

[GEN7](#)
[DEV19](#)

Publication Version of the Local
Plan (October 2014):

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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

ADS

The Arundel Design Statement by Arundel Town
Council

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; Yapton.

The Made Arundel NDP has no policies of relevance to this application.

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 upper part of the equipment which is the subject of this application is visible from surrounding properties in Stewards Rise and Dalloway Road. The visible elements are the 2 roofs and play platforms. It therefore follows that children using the equipment will be able to see into the rear gardens of surrounding dwellings and be seen from those dwellings. The majority of the equipment is however screened by fencing or boundary planting at lower level. It is not considered to be unduly intrusive visually and is considered to have limited impact.

The equipment is located at the bottom of the gardens of surrounding dwellings and at a distance of approximately 19m to 28m away from the closest part of the rear of dwellings in Dalloway Road. It is approximately 22m away from the rear of an adjoining bungalow in Stewards Rise. Given that the equipment will not be in continuous use and taking into account the separation distances and nature of use of what is proposed, it is not considered that privacy loss to the rooms of surrounding dwellings will have a material impact.

The main potential impact of the use of the equipment will be on the areas of rear gardens closest to it, as there is potential for overlooking by users. However, the impact on privacy is considered to be limited. This is again due to the nature of use/users and the potentially limited use of the equipment. It is not considered that there would be significant harm to privacy from the use of the equipment such that planning permission ought to be refused.

The equipment has been sited in a location where the potential for impact is minimised and the wooden construction with stained finish softens its appearance.

Given the above, it is considered that it would not be reasonable to refuse planning permission. In addition, mitigation of potential impact can be achieved by the installation of screening on the

outside of the upper part of the platform structures where they face towards the rear of dwellings in Dalloway Road. This can be ensured by planning condition.

It is therefore recommended that planning permission be granted subject to condition.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 (negative, Neutral or positive) 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Within 1 month of the date of this planning permission, details of screening to the upper parts of the north west elevation of the equipment hereby permitted facing the rear of dwellings in Dalloway Road shall be submitted to and approved in writing by the Local Planning Authority. The screening so approved shall be installed within 1 month of the approval of the details and shall be permanently maintained in position thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenity and privacy of the occupiers of adjoining dwellings in accordance with policy 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.