

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

REF NO: AB/2/14/

LOCATION: 5 Bernard Road
Arundel

PROPOSAL: Free standing car port

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a detached double car port 5.5 long by 4.8m wide. A sloping pitched roof is proposed with a height to ridge of 4m. It would be constructed with a soft wood frame, tiled front roof and timber stud walls.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front wall to approximately 1m high with intermittent hedging in front to approximately 3 metres. To south side hedging to approximately 5m high. To north 0.6m high wall.
SITE CHARACTERISTICS	Detached 3 storey property with red brick elevations and tiled roof. Flat roofed garage to side.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design mainly 2 storey all set back from the road frontage a similar distance of approximately 10 metres, behind a grassed verge.

RELEVANT SITE HISTORY

AB/81/13/	Construction of carport to enclose front entrance and garage	ApproveConditionally 24-09-2013
AB/15/48	New house	Approve 14-10-1948

REPRESENTATIONS

Representations received:

Arundel Town Council

Objection - car port is in front of building line.

Comments on Representations received:

Agreed

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#) The Form of New Development

Publication Version of the
Local Plan - Excluding the
Spatial Portrait, Employment,
Housing Allocations,
Transport, Monitoring and
Implementation sections
(February 2014):

D DM1 Aspects of Form and Quality
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

ADS The Arundel Design Statement by Arundel Town Council

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 will be considered for publication at a later meeting of Full Council and the whole Local Plan will undergo a formal public consultation once the remaining

chapters have been published (with subsequent examination and adoption). The weight given to the published policies can be significant if the policies do not have unresolved objections and are consistent with the NPPF. The published chapters are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an unacceptable 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 site is located part way up the east side of Bernard Road which rises to the north. The proposed car port would be located 4 metres from the site frontage and forward of the existing dwelling. There are no other structures in this part of Bernard Road that project forward of the dwellings which are set back a uniform distance from the site frontage. Whilst some screening exists where it is proposed to site the car port it would still be readily visible in the street scene given its forward and elevated position. It would be clearly viewed from the site frontage and from the north and would appear as a prominent and discordant structure in the street scene. The proposal would therefore conflict with policy GEN7 of Arun District Local Plan in that it would not respond positively to the identified characteristics of the area.

The application is therefore recommended for refusal for the reason given overleaf

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 (insert number and description), 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 no negative impacts 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

REFUSE

- 1 Given the elevated and forward position of the proposed car port it would constitute a prominent and obtrusive form of development which would be out of keeping with the general pattern of development in the locality and would adversely affect the visual amenities and character of the area in conflict with policy GEN7 of Arun District Local Plan and the NPPF para. 57.
- 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.