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

REF NO: **AB/37/13/**

LOCATION: Stourton House
38 Torton Hill Road
Arundel

PROPOSAL: New garage to replace existing garage (to be demolished)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed garage measures approximately 7.3m in length, approximately 3.4m in depth and approximately 3.5m in height. It will be attached to the side western elevation of the property. It replaces a detached garage along the rear western boundary which is to be demolished.
SITE AREA	Approximately 1240 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick wall to front at approximately one metre in height. Close boarded fencing to rear at approximately 1.8m in height supplemented with vegetation generally over 2m in height.
SITE CHARACTERISTICS	A detached property with red brick elevations and a hipped roof with brown roof tiles. Existing detached garage to side rear and a detached outbuilding along the northern rear boundary.
CHARACTER OF LOCALITY	Residential in nature with predominantly two storey detached properties, many with attached garages.

RELEVANT SITE HISTORY

AB/43/12/	Extension, alterations & replacement of existing double garage with ancillary accommodation.	Approve Conditionaly 04-05-2012
AB/145/12/	Ancillary accommodation - amendment to AB/43/12	Approve Conditionaly 12-02-2013

Noted.

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Economic Regeneration

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

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 214 of the NPPF ensures that specific policies in Arun District local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

PRINCIPLE
The site lies within the built-up area boundary where residential development is acceptable in principle, subject to the proposal complying with the relevant Development Plan policies.

CONTEXT
This scheme considers a proposed attached garage to the side of the property and will replace an existing garage which is detached and situated to the rear. Previous application AB/43/12 granted conditional approval for further accommodation at first and second floor level and a single storey addition across the rear elevation. However, this is considered to not affect this proposal and shares its intention to demolish the existing garage on site.

DESIGN
The attached garage is considered to relate sympathetically to the dwellinghouse by way of form, size and its location in relation to the western boundary. It will be constructed from red brick walls and a clay tile roof which matches the host property and ensures visual integration. Consequently, it does not compromise the character and appearance of the street scene or conflicts with guidance set down in relation to Character Area 6 and associated paragraphs within the Arundel Design Statement.

AMENITY
Due to adequate setbacks and pitch of the garage roof, it is considered that there will be no adverse overbearing or overshadowing effects particularly on the neighbouring property of 38A to the west. In particular, a separation distance of approximately 1.5m to the western boundary will be maintained. The side boundary treatment where the garage will be situated is currently close boarded fencing at approximately 1.8m and this assists in mitigating the visual bulk of the proposal. A condition will be placed on the permission to prevent any windows or other opening from being installed in the west elevation without prior approval. This will ensure that should the garage be converted to living accommodation at a later date, window openings are prevented from causing unacceptable overlooking.

It is therefore recommended that the proposal be approved subject to the following 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 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 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:- drawing number PL01 rev00 dated March 2012 and its associated proposed elevations and floor plans.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 The materials and finishes of the external walls and roof of the garage hereby permitted shall match in colour and texture to 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings shall be formed in the west elevation of the garage without the prior permission of the Local Planning Authority on an application in that behalf.

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

5 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management

Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7 and DEV19.

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

6 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 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.