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

REF NO: AB/66/25/HH

LOCATION: 162 Fitzalan Road
Arundel
BN18 9JZ

PROPOSAL: Detached summer house with decking in rear garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Arundel Town Council - No objection.

No representations were received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

National Flood Risk Zone 3 and 3b

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

DESIGN AND VISUAL AMENITY
The site is a terraced property with a long rear garden backing onto a grassed area and the River Arun. The proposal is for the erection of an outbuilding at the rear of the garden. The outbuilding would measure 3.6m by 3m and with a height of 2.4m. The outbuilding would be situated on a 0.9m high raised

platform, with a raised and covered platform area on the side of the building adjacent to the river. Although the outbuilding would be raised, the overall height of the structure would not be so significant as to appear incongruous within the domestic garden setting. Both the outbuilding and decking would be finished with timber, which would be an appropriate material for its context.

The proposal would not result in harm the character and visual amenity of the area and is therefore in accordance with Arun Local Plan policies D DM1 and D DM4.

NEIGHBOURING RESIDENTIAL AMENITY

The total height of the proposed outbuilding, including the platform on which it would be situated, would be 3.3m. The structure would be positioned adjacent to the north eastern boundary and set in 1.4m from the south western boundary. Although the outbuilding would be visible above the boundary treatment, it would not result overbearing or overshadowing of nearby occupiers.

The outbuilding would be positioned on a raised platform with steps and a small platform on the south eastern side, facing towards the garden serving the host dwelling. When accessing the outbuilding via this platform, there is likely to be some overlooking of neighbouring gardens. The platform to the front of the outbuilding would not be an area where people congregate or utilise for large periods of time, due to its narrow depth of 0.6m, and this area will largely be using for accessing the outbuilding, and the deeper platform to the rear. Furthermore, the outbuilding is positioned towards the rear of the garden, a significant distance from the rear elevations of neighbouring properties. Due to the narrow depth of the platform on the garden side, screening would not be necessary, given the shallow depth of the platform and the limited overlooking opportunities which would arise. Given the siting of the platform to the rear and that it would primarily overlook the river and footpath to the rear, no screening would be required to the sides of the rear platform.

In summary, although the proposal would result in some overlooking impacts, these would not be unduly harmful, and the proposed development would not harm neighbouring residential amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

FLOOD RISK

The site lies within Flood Risk Zones 3 and 3b. The proposed outbuilding does not provide habitable accommodation, and the outbuilding would be ancillary to the host dwelling. The finished floor level of the outbuilding would be 0.9m above ground level, in order to reduce the likelihood of the outbuilding flooding. It is noted that an outbuilding could be constructed in this location under permitted development.

The proposal does not increase flood risk, to the property or surrounding dwellings, and is in accordance with ALP policy W DM2.

SUMMARY

The proposed development is in accordance with relevant development plan policies and is recommended for approval subject to the following conditions and informatives. There are no neighbourhood plan policies which are relevant to this proposal.

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 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

In assessing this proposal the following 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).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

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:

- Block and Location Plan 02
- Proposed Plans and Elevations 01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.