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

REF NO: AL/194/22/HH

LOCATION: 42 Ivy Lane
Westergate
Aldingbourne
PO20 3RE

PROPOSAL: Single storey detached self contained ancillary annexe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION — The application seeks to construct a detached outbuilding to create a self contained annexe ancillary to the host dwelling.

REPRESENTATIONS

Parish Council - no objection.

No representation received from neighbouring properties.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS - pre-commencement condition proposed.
- site is within Lidsey Treatment Catchment area, surface water should be carefully considered.
- infiltration must be fully investigated.

OFFICER COMMENTS
- a lower height incidental structure with the same footprint could be constructed under permitted development. As such, the recommended pre-commencement condition will not be applied to this application. An informative will be added.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

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

PRINCPLE

The key policy is D DM1 of the Arun Local Plan and the Arun District Design Guide.

Aldingbourne has a made Neighbourhood Plan with policy EH1 of relevance to the application. The proposal complies being within the built-up area boundary.

DESIGN AND VISUAL AMENITY

The host property is mid-terrace with front and rear gardens, the outbuilding proposed is to be in the rear garden and will therefore not be visible from the wider area.

The Arun Design Guide does not have specific guidance relating to outbuildings but Part M covers the preservation of external garden amenity space particularly when this performs a drainage role.

The outbuilding is 7.3m wide x 5.8m deep x 2.7m high, it features white rendered walls, grey uPVC windows and doors and a flat GRP roof. The outbuilding is at the end of the rear garden and retains 2m to the rear (east) boundary, and 0.8m to either side boundary. Whilst large in size the plot can accommodate the outbuilding without compromising the garden amenity space. The choice of materials could better integrate the structure in the domestic garden setting, but the visual impact is low given there are no significant views of it.

With no viewpoints of the outbuilding, the proposal will not impact the appearance of the street scene and complies with D DM1 of the Arun Local Plan and the Design Guide.

RESIDENTIAL AMENITY

At 2.7m tall the outbuilding will sit higher than the boundary fence.

Due to the location of the outbuilding, at the end of the garden and no neighbouring properties backing on to the garden, any overbearing and overshadowing effects upon neighbouring properties are minimal.

The outbuilding is taller than what could be constructed as permitted development (up to 2.5m) however, similar overshadowing and overbearing effects could result from an outbuilding constructed under permitted development.

The outbuilding has windows on the east and west elevations.

As the outbuilding is being built to provide housing for a dependant relative there will be higher occupancy rate than that of a home office studio or other ancillary type outbuilding that would only be in use part of the day. The 15m minimum separation distance to the rear elevation of the neighbouring properties is considered to reduce the intensity of any perceived increase in overlooking because of an individual occupying the outbuilding. Views into neighbouring habitable rooms are out of close range and at oblique angles.

A condition will be included to ensure the outbuilding always remains ancillary to the host dwelling.

Therefore, with the condition in place, the proposed annexe is in accordance with D DM1 of the Arun local plan in that there is no adverse harm by way of overlooking, overbearing or overshadowing effects.

SUMMARY

The development would accord with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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

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 CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The application is in CIL Zone 2.

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:

- Plans 01 A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun Local Plan.

3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 42 Ivy Lane as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

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

5 INFORMATIVE: Whilst pre-commencement conditions have not been applied to the application as recommended by Arun drainage engineers the applicant should consider their comments and read the full guidance on the Arun District Council website - https://www.arun.gov.uk/drainage-planning-consultations.