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

REF NO: **AL/31/13/**

LOCATION: Redtile Cottage
Brittens Lane
Aldingbourne

PROPOSAL: Proposed conservatory to front elevation & detached double garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A conservatory measuring 3.5m by 3.5m by 3.6m in height (2.3m to the eaves) is proposed on the front elevation adjacent to the boundary with no. 20. In addition a double garage measuring 6m by 5m and 4.4, in height (2.2m to the eaves) is proposed in the front garden area adjacent to Brittens Lane.
TOPOGRAPHY	The front garden area of Redtile Cottage (where the conservatory will sit) is slightly higher than that of the neighbouring property no. 20. Otherwise, the site is predominantly flat.
TREES	None in the vicinity of the conservatory. However, a number of mature trees are located on the other side of the northern boundary wall adjacent to where the proposed garage will sit.
BOUNDARY TREATMENT	A low 0.5m brick wall lies to the northern boundary adjacent to the tree screen. The southern boundary with no. 20 is formed of a circa 1.5 - 1.8m close boarded fence, part of which nearest the dwellings has a semi-open trellis top.
SITE CHARACTERISTICS	The application site is the front garden area of Redtile Cottage. The garden slopes very gently to towards the road and then steps down (with a small retaining wall) onto the front parking area. The neighbouring property has both a conservatory to its front elevation and also a large greenhouse type structure in the front parking area roughly in line with the proposed position of the double garage.
CHARACTER OF LOCALITY	Redtile Cottage is a bungalow with associated garden/curtilage located at the northern end of a small number of residential properties on Brittens Lane. To the North beyond the boundary lie open fields.

RELEVANT SITE HISTORY

AL/22/10/	Removal of mobile home and construction of replacement bungalow (Resubmission following AL/96/09/)	Approve Conditionaly 26-05-2010

The dwelling "Redtile Cottage" was permitted in 2010 under Planning Ref AL/22/10 for the removal of a mobile home and replacement with a bungalow. The new dwelling had its permitted development rights for extensions and outbuildings removed by condition. There was also a landscaping condition imposed which specified the retention of the trees to the northern boundary for screening purposes.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council

Aldingbourne Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/a.

POLICY CONTEXT

Designation(s) applicable to site:

Outside 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.

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 noted that with regard to any impact from the proposed conservatory on the neighbours conservatory (or vice versa), that the two properties could agree to increase the height of the boundary fence to no higher than 2m and that this would then prevent any overlooking. This could be done without the need for planning permission.

CONCLUSIONS

With regard to the conservatory, this matches with the neighbours conservatory and is this therefore in character with the street scene. Whilst it is set at a slightly higher level than the neighbours one, the existing fence restricts overlooking and this fence could, as per the comments above, be heightened to eliminate any impact.

The double garage will sit in a natural right angled corner formed by the retaining wall running south to north at the end of the grassed part of the front garden and the low northern boundary wall. As a result of it being inside this walled right angle, there should be no impact from the foundations on the trees located on the other side of the side boundary wall. However, to ensure that no damage occurs to these boundary trees, a condition will be attached to protect these from harm during construction.

The double garage whilst within in a front garden is considered to be acceptable on the basis that the front gardens of these properties are not open to the road and that the neighbour, no. 20 has a large greenhouse type structure in a similar position within its own front parking/garden area.

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.

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 burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

3 The development hereby approved shall be carried out in accordance with the following approved plans "Sheet 1 Existing", "Sheet 2 Proposals" (Annotated Drawing) and "Sheet 3 Proposals".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN2, GEN7 and DEV19 of the Arun District Local Plan.

4 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, 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.

5 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.