

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

REF NO: AL/54/20/HH

LOCATION: Reed Cottage
Westergate Street
Westergate
PO20 3SQ

PROPOSAL: Garden shed and adjoining open potting area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a detached outbuilding which will form a shed and potting area.

REPRESENTATIONS

No response from Parish Council.

No representation received from nearby occupiers.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Engineer (Drainage) - Given the scale and the assumption it falls under permitted development, there are no conditions to request.

POLICY CONTEXT

Built up area boundary

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

CONCLUSIONS**PRINCIPLE**

The key policy considered is D DM1 of the Arun Local Plan. Aldingbourne has a made Neighbourhood

Plan however none of the policies are relevant to this application.

DESIGN AND VISUAL AMENITY

The proposal seeks to construct a shed and potting area and due to its siting to the side northern boundary, it is not visible from the street scene.

The outbuilding will run along the northern elevation with a width of 8m with 4.2m forming an enclosed shed area and the remaining 3.8m forming a potting area with the southern side open fronted.

It will be constructed of part brick and wood with a steeply pitched tiled roof.

Due to its siting, with no viewpoints from the wider area, it is not considered to result in an adverse impact upon the character of the area in accordance with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The outbuilding has a width of 8m and a depth of around 3.4m which reduces to 1.9m to the eastern side. The outbuilding has a steep pitched roof with eaves to 2.4m and a total height of 4.8m.

To the north of the outbuilding sits the neighbouring dwelling 26 Belle Meade Close which has two windows to the ground floor southern elevation, serving a living and dining room. The outbuilding would only retain a minimum of 0.6m to the boundary.

Due to the proximity of the outbuilding and the proposed height at 4.8m with the large expanse of roof, it is considered to appear as a dominating and overbearing feature upon the southern elevation of the neighbouring property. Having regard to this, it is considered an unneighbourly form of development. As a result the outbuilding would also give rise to a loss of light with the outbuilding overshadowing the windows to the southern elevation for most parts of the day.

The boundary treatment consists of fencing and trellis above around 2m in height, which is higher than most, however the resultant height and proximity of the outbuilding would provide additional adverse impacts compared to that which is currently achieved.

The property at No.26 has recently had permission for a first floor and if the extension were to be built the situation may be improved as it would consist of one larger room with openings at each end and a rooflight. However it can not be presumed that it will be implemented and as it currently stands the 4.8m ridge height would extend around 2.2m above the existing eaves of the neighbouring property.

The proposal as a result of the excessive height in close proximity to the neighbouring dwelling (No.26) would result in a significant loss of light to the windows to the southern elevation and result in harm upon amenity in conflict with D DM1 (3) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to conflict with relevant development plan policies and as such is recommended for refusal.

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), 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 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

REFUSE

- 1 The development by virtue of its excessive height and close proximity to the site boundary appears as a dominant and overbearing feature resulting in significant overshadowing to the southern windows at the neighbouring property (26 Belle Meade Close) in conflict with D DM1 (3) of the Arun Local Plan.
- 2 **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 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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.