

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

REF NO: AL/81/17/HH

LOCATION: Mildmay
Hook Lane
Aldingbourne

PROPOSAL: Erection of single storey outbuilding to rear garden

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Detached single storey building with shallow gable end zinc roof and timber cladding to match main house. The building would be to the very rear of the garden, set off from the side and rear boundaries.
SITE AREA	0.06 hectares.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development on the site. Some on the neighbouring sites to north and south of The Nook and Bramleys.
BOUNDARY TREATMENT	1.6m open panel fence to north side and rear 4m hedge to south side boundary.
SITE CHARACTERISTICS	Detached bungalow with parking to front and long garden to rear.
CHARACTER OF LOCALITY	Semi-rural area, this property falls within a ribbon of housing development along the road of detached bungalows and houses of varying architectural styles and designs.

RELEVANT SITE HISTORY

AL/83/17/PL	Demolition of existing dwelling & erection of 1 No. dwelling.	Withdrawn 18-09-2017
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Application for replacement dwelling recently withdrawn.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council

The Parish Council objects to this application. the development is out of character with surrounding properties and unneighbourly. If this outbuilding were permitted then this Council requests a S106 condition restricting its use to ancillary to the main dwelling and not a

separate unit.

Two letters of public representation received objecting on the grounds of:-

- overdevelopment of the garden, loss of amenity space contrary to policy H8 of the Aldingbourne NDP
- poor design, out of character with the surrounding dwellings resulting in detrimental impact on the surrounding area contrary to policy H1 of the Aldingbourne NDP
- potential for surface water flooding contrary to policy EH5 of the Aldingbourne NDP

Comments on Representations received:

Comments noted.

The officer disagrees that the outbuilding would be unneighbourly as it is single storey and located to the rear of a long rear garden away from immediate private amenity spaces and windows of surrounding dwellings.

The Council would not seek to impose a Section 106 agreement on this application for contributions but is minded to include a condition requiring the use outbuilding to be incidentally to the main house. This is how the officer interprets the point the Parish Planning Committee were communicating.

The outbuilding is not considered to be an overdevelopment of a rear garden of over 40m depth from the rear of the house. It is also not directly visible from the street scene and would be clad in timber material to match the existing dwelling. Thus it is considered to be in character and respect the appearance of the host dwelling and have a limited impact on the visual amenity of the area.

The site is located within the Lidsey Drainage Catchment Area so is at high risk of surface water flooding. However, a larger building could be constructed under Class E of the Town & Country Planning (General Permitted Development) Order 2015 (as amended). As such, it is not reasonable to attach a surface water drainage condition in this instance given the fall back position of permitted development.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

DRAINAGE ENGINEERS

Please apply standard condition ENGD2A. Soakaways must be investigated for surface water disposal.

Comments on Consultation responses:

Comments noted.

A larger building could be constructed under Class E of the Town & Country Planning (General Permitted Development) Order 2015 (as amended). As such, it is not reasonable to attach a surface water drainage condition in this instance given the fall back position of permitted development

POLICY CONTEXT

Designation applicable to site:

Outside the BUAB
Lidsey Catchment Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
W DM2 Flood Risk

Aldingbourne Neighbourhood Plan 2016 POLICY
EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY
EH5

Development in Flood risk areas will not be
supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY
EH6

Surface Water Management
Protection of trees and hedgerows

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory

local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The proposal is considered to comply with relevant policies EH1, EH5 and EH6 of the Aldingbourne NDP.

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

It should be noted that the foundations and base for the outbuilding were complete on the date of officer site visit.

PRINCIPLE

The site lies outside of the BUAB where development is resisted in general. However, this application is for an outbuilding within the private garden of a dwelling within an established ribbon of residential development. Furthermore an outbuilding could be constructed under permitted development and this is a fall back position the Council must consider as material. As such the principle of development is acceptable in this instance in line with policy GEN2.

DESIGN AND VISUAL AMENITY

The outbuilding would not be directly visible from the street scene so will have a limited impact on surrounding visual amenity. The proposed materials are considered acceptable for a residential garden environment and it is not considered reasonable to attach a condition requiring details of material to be discharged prior to work commencing.

RESIDENTIAL AMENITY

The outbuilding would be located towards the very rear section of a rear garden more than 40m deep. It would be single storey with a shallow gable end roof. As such it is not considered the outbuilding would have a significant impact on neighbouring residential amenity as it is set a significant distance from neighbouring rear windows and direct private amenity spaces.

The use of the outbuilding is not specified, but it is noted that a toilet is included on the floor plans. This suggests incidental use as a home office or hobby room. A condition will be attached to limit the use of the outbuilding to an incidental use to protect neighbouring residential amenity.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with policies DEV19 and GEN7.

SURFACE WATER DRAINAGE

A larger building could be constructed under Class E of the Town & Country Planning (General Permitted Development) Order 2015 (as amended). As such, it is not reasonable to attach a surface water drainage condition in this instance given the fall back position of permitted development.

The application is considered to meet the aims of the development plan and is recommended for conditional approval.

HUMAN RIGHTS ACT

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 development hereby approved shall be carried out in accordance with the following approved plans:

11A
07A
08
10
09

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

- 3 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of Mildmay, Hook Lane, Aldingbourne, West Sussex, PO20 3TE as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District 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.