

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

REF NO: **AW/159/13/**

LOCATION: 78 Barrack Lane
 Bognor Regis

PROPOSAL: New detached double garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed garage measures approximately 9.9m in width, depth of 7.65m with a height of 3.6m.
SITE AREA	Approximately 868 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Hornbeam tree in neighbouring garden of No 74/76 Barrack Lane in close proximity to the development.
BOUNDARY TREATMENT	Front has wall with treelis in between piers approximately 1.8m in height, south side boundary has close boarded fencing approximately 1.8m in height, north side boundary hedging approximately 2.5m in height.
SITE CHARACTERISTICS	Detached two storey property with bay windows on ground and first floors. Previous attached garage to rear has been converted to residential. The property has rendered walls painted white, white window frames with a tiled roof.
CHARACTER OF LOCALITY	Area of Special Character comprising residential with predominantly detached properties that are set back from the highway of various styles and designs.

RELEVANT SITE HISTORY

BR/70/73	Demol of Connordan and erection of two detached houses with double garages outline	ApproveConditionally 20-02-1973
BR/624/73	Two new detached dwellings	ApproveConditionally 14-08-1973

REPRESENTATIONS

Representations received:

Aldwick Parish Council
Objection

Members strongly object to the application on the grounds that the proposed double garage does not sympathetically relate to and is not visually integrated with the existing building in one or more of the following: siting, design, form, scale and materials and that the proposed double garage would compromise the established spatial character and pattern of the street. Therefore Members agreed that the application is in direct conflict with Policy DEV19 of the Arun District Plan 2003.

9 Letters of Objection

Position of garage adjacent to the highway is out of character with the rest of Barrack Lane. Footings may encroach on the root system of the tree that is sited on the neighbouring property 74 & 76 Barrack Lane.

Disproportionate in scale and size and is not visually subservient to the host dwelling.

Submerged water course which runs near the road where the properties 74, 76 and 78 Barrack Lane lie. A building with the necessary foundations over this submerged water course might cause problems.

Open view which currently has trees and hedges would be severely blocked.

Forward of the building line which has been in existence since the land was sold for residential building in the early 1920's.

The previous owners converted the garage attached to the house into an additional lounge.

Proposal does not make a positive contribution to the quality of the area of the Area of Special Character.

Does not display high quality design and layout.

Does not allow for the safe movement of pedestrians and vehicles.

Comments on Representations received:

Parish Council and Objection comments noted.

DEV19 is not a relevant policy as it is not an extension to a dwelling.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

I have identified the tree as a mature Hornbeam of particular visible significance as providing good visual amenity and hence its worthiness as a TPO tree. The garage surface area would affect a large percentage of the trees roots. Even if the garage was suspended it would adversely affect water percolation and altering the rooting environment/soil ecology which would be detrimental to this mature specimen. I therefore object to the proposal on the grounds that the development would directly damage a significant proportion of the live underlying roots and also disfiguring facilitative pruning of branches to allow the structure to be built.

Conservation Officer

The property is located within the Barrack Lane Area of Special Character.

It is therefore located within an area within the District which is considered to be of distinctive character or quality and, therefore worthy of extra protection through rigorous control of new development. The Area of Special Character is described in the relevant Supplementary planning Document. As part of this it makes references to the fact that "The special character of this area is derived from the mature landscaping and low density residential development of individual design. These buildings are set back from the road with established and mature front gardens". The proposal is for a substantial garage in the front garden of the property. This would be located forward of the established building line. Further, the garage would accommodate a substantial amount of the front garden; this is in conflict with neighbouring properties where gardens are laid to lawn or hard standing. Further, I have also noticed that the

garage is located very close to a neighbouring tree. The tree is of high visual street amenity and should be preserved. It is therefore considered that the proposal would conflict with the established character and pattern of the site or the locality and result in an uncharacteristic form of development along the established street-scene.

Relevant policies: Area 1: Areas of Special Character and Supplementary Planning Document - Areas of Special Character.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Area of Special Character
Class C Road
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA1	Areas of Special Character
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality, impact on the Hornbeam tree, adverse impact upon the Area of Special Character and 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

The application site is within an Area of Special Character. The residential road comprises detached properties of various styles and designs many of which have mature front gardens with established landscaping. The dwellings are set back from the road and in this part of Barrack Lane there is no footway which gives an open and spacious appearance.

The application seeks to construct a double garage to the front of the property in the north east corner. The front boundary has a wall with trellis infill to a height of approximately 1.8m and the proposed garage will be sited behind this wall in the north east corner. The double garage will be sited approximately 1.17m from the front boundary and 970mm from the eastern side boundary. It will measure approximately 9.9m in width, depth of 7.65m with a maximum height of 3.5m with rendered walls and a tiled roof that will match the host dwelling. The existing pedestrian and vehicular access remains unchanged.

The property previously had a garage which is attached to the dwelling and sited to the rear. This structure has subsequently been converted into residential accommodation.

With regard to residential amenity the proposal is sited approximately 12m from the neighbouring property No 80 Barrack Lane and it is not considered that this would be of an overbearing nature or create a loss of outlook. The neighbouring property to the east No 74 and 76 Barrack Lane is well screened and there is a mature Hornbeam tree that is of a substantial height and spread that is sited in the corner behind the boundary fencing in close proximity to the proposal. The Council's Arboriculturist has raised an objection on the grounds that the development would directly damage a significant proportion of the live underlying roots and also facilitate the pruning of branches which are overhanging the boundary.

The garage by reason of its size and siting adjacent to the highway would appear as a dominant and intrusive structure eroding the existing spacious and open character of the front garden. It would also detract from the Area of Special Character which states that: "development should make a positive contribution to the special character of the area". Whilst it is noted that the plans show a hedge to be planted behind the existing wall it would still be visible above this hedging and out of character and appearance within the street scene and surrounding residential area.

It is therefore recommended that the application be refused.

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 for 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 a neutral impact has 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).

RECOMMENDATION

REFUSE

- 1 The proposal by reason of its siting and size would appear as a visual intrusion and erode the spacious and open appearance of the surrounding area, which is located within an Area of Special Character in conflict with policy GEN7 and AREA1 of the Arun District Local Plan.
- 2 The proposed development would likely result in significant physical damage to the root system of the Hornbeam tree sited adjacent to the site, thereby diminishing the health, appearance and longevity of the tree which is an important feature in the street scene in conflict with policy GEN28 and Area 1 of the Arun District Local Plan.
- 3 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason 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 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.