

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

REF NO: AW/210/18/HH

LOCATION: 1 Raycroft Close
Bognor Regis
PO21 3DG

PROPOSAL: Front porch

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal originally sought to erect a front porch, entrance gates and piers. The applicant subsequently submitted a revised plan removing the gates from the application and confirmed by email on 1st October 2018 that the piers were no longer required. Therefore this application is now for the front porch only which would measure 17.38sqm.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Aldwick Parish Council - submitted before the gates were removed from the application.

Objection - Members opposed the application on the grounds that the application will compromise the established spatial character and pattern of the area. Therefore Members agreed that the application is in direct conflict with Policy D DMR 4e of the Arun District Local Plan 2011-2031 and in conflict with the adopted Aldwick Parish Council Design Statement pages 55&56.

- 'Two pillars sitting redundant mars the open plan nature of the estate and in conflict with D DMR 4e as well as Design Statement'

From individual Parish Councillors:-

- Yes, the gates have been removed but the 2m tall gate piers remain on the revised plan. Why? (In order to install gates at a future date perhaps?). Notwithstanding why, the building of 2m tall piers would, in my view, be in conflict with the open plan estate policy. Therefore, as the committee said previously, I think the piers would be in conflict with Policy D DMR 4e of the Arun District Local Plan 2011-2031 and in conflict with the adopted Aldwick Parish Council Design Statement pages 55&56.

I have no objection to the porch alterations but I do have an objection to the piers. If the piers are removed from the plan I would have no objection.

Comments noted and addressed below.

4 letters of representation received siting concerns as follows, all received prior to the removal of the gates from the application:-

- No objection to the porch but the strongest objection to the piers and gate. When the estate was conceived around forty years ago it was envisaged that this would be an open plan estate without frontal boundaries and conveying a feeling of openness and space. The hedge, gate and posts will have the feeling of an embassy compound

- The estate is restricted within the conditions attached to the original deeds transfer (open plan). The only vehicular entrance from Wyde Feld has pre-empted Council approval and denies the restrictions mentioned above. The proposed two metre high gate could be dangerous for traffic driving on Raycroft Close and Faresmead.
- No objection to the porch but the proposed gate will destroy the open-planned nature of the original estate which gives a feeling of spaciousness and scope. All gardens are open-plan. Road safety as gate may provide a 'blind-spot'. Structure may possibly lower the value of other properties in the area.

Response

- The piers and gate no longer form part of this application. A hedge is not classed as development and is not enforceable under planning legislation.
- Conditions or Covenants within Deeds are not enforceable by planning legislation nor a material consideration.

1 representation received after the applicant confirmed that the piers were no longer required:-
- When is a gate-post not a gate-post?

Response

- The applicant has confirmed that the piers no longer form part of this application.

1 response from the applicant mentioning other walls and fences in the area.

CONSULTATION RESPONSES RECEIVED:

N/A

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

The application is located within the built-up area boundary where the principle of development is acceptable subject to accordance with the relevant development plan policies as stated in SD SP2 of the Arun Local Plan. In this case the key policies are deemed to be D DM1, DDM4 and D SP1 of the Local Plan. ENV DM2 relating to Pagham Harbour has also been considered but it is not applicable to this site.

There is no Neighbourhood Plan for Aldwick but the Aldwick Parish Design Statement has been taken into account.

SITE

The property is a two-storey detached dwelling with a detached double garage towards the north-east corner of the plot. Vehicular access was via two dropped kerbs, one located in Wyde Feld and the other in Raycroft Close. The applicant has already closed the access via Wyde Feld by means of a planted hedge which does not require planning permission. There is a condition on the original planning approval, BR/773/76, stating that 'no gates, fences, walls or other means of enclosure or any structure shall be erected or constructed within the curtilage unless permission is granted by the Local Planning Authority' but hedging and trees are not classed as development and therefore this condition is not applicable to this boundary treatment.

Nos. 3 & 5 Raycroft Close are very similar detached properties with detached double garages. The remaining dwellings in Raycroft Close and Wyde Feld comprise detached and link-detached houses and bungalows.

DESIGN & VISUAL AMENITY

The application now under consideration requires the removal of the existing canopy over the front door and the erection of an enclosed porch having facing brick boarding, white PVCu panels and a slate roof to match the existing dwelling. Therefore the design is considered to meet the aims of D SP1 by respecting the established spatial character of the street and by using the same materials to match the existing dwelling.

The property falls within Area 10 of the Aldwick Village Design Statement where the design attributes include open-plan front gardens. The applicable Development Criteria for this area includes requirements that open-plan aspects should be retained; materials matching the existing building should be used and the character of the area should be preserved. This proposal is considered to meet all three of these requirements.

RESIDENTIAL AMENITY

The proposed porch measures 6.2m wide, between 2.1m & 3.1m deep and 3.5m high, giving a total size of 17.38sqm. Due to the size of the plot and in particular the large front drive and garden the porch would be a modest addition. There would be no overlooking or overbearing issues created and the porch would be visually subservient to the host dwelling. The impact on the view from the opposite property at no.2 Raycroft Close would be minimal.

Overall, taking into account that the proposed porch is in proportion to the host dwelling and affords no overlooking or overshadowing issues it is not considered to have a significant detrimental impact on the character of the locality and the established spatial pattern of the area. Therefore it is deemed to be in accordance with policies D DM1 and D DM4 of the Arun Local Plan .

It is therefore recommended that the application be approved subject to conditions.

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 plan:-

Proposed Porch Revision B dated 17.9.18 with the exception of the brick piers which was confirmed by email on 1st October 2018.

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

- 3 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 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.