

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

REF NO: AW/211/18/HH

LOCATION: 12 Pinehurst Park
Rose Green
Aldwick
PO21 3DL

PROPOSAL: Demolition of existing detached garage and erection of chalet style detached garage and store.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to demolish the existing single storey detached garage measuring 14.6sqm and replace it with a detached chalet style garage at ground floor and store at first floor level measuring 25sqm.
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RELEVANT SITE HISTORY

AW/33/04/	Single storey side extension	ApproveConditionally 30-03-04
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Objection on the grounds that the erection of a chalet style detached garage and store will have an adverse overbearing effect on neighbouring properties in conflict with Policy D DMR 4c of the Arun Local Plan.

Comments noted and addressed below.

2 letters of representation received siting concerns as follows:-

- building would be 2 storey and entirely out of scale with its surroundings
- concerns over business use
- harms the residential character by the number of vehicles putting pressure on limited on-street parking
- commercial vehicles at odds with residential area
- loss of natural light to adjacent property
- concerns over construction noise and possible hours/days of work

Response

- the applicants house and the neighbouring property adjacent to the site of the proposed garage are

both two-storey and this proposal is therefore considered to be subservient to both buildings and not out of scale with the surroundings.

- the proposal is for a replacement garage and store and the recommendation will be made on the development in principle. Should a change of use occur in the future this could be subject to a separate Planning Enforcement investigation.
- no loss of parking to either the front of the garage or on-street would be affected by an approval.
- commercial vehicles parked in the street is not a material planning consideration.
- the proposed garage sits a further 1m back from the current building and although still slightly forward of the front elevation to no.1 Rusbridge Close it is not considered to overshadow it.
- this is a modest proposal and the Council would not normally seek to include a condition regarding these issues.

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
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

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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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 DDM1 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.

A single storey side extension was approved conditionally in 2004.

SITE

The property is a two storey detached dwelling with red brick walls and pitched brown tiled roof. The front is open plan and is not affected by this proposal. The existing detached garage with one parking space in front is sited to the rear of the host dwelling, adjacent to no.1 Rusbridge Close and accessed via an

existing crossover in Rusbridge Close. The south-east boundary on Rusbridge Close comprises of a 2m high red brick wall. Access to the parking space and garage is via 2m high wooden gates but the proposal shows the changing of these to 1m high 'ranch style' which would be permitted development and not part of this application.

DESIGN & VISUAL AMENITY

The application requires the removal of the existing single storey garage and the erection of a larger two-storey garage with store over. The proposal includes a window at first floor level in the southern elevation overlooking Rusbridge Close. The proposal shows the replacement garage as having facing brickwork and roof tiles to match the existing dwelling. The PVCu window at first floor is shown as matching those on the first floor of the terraces of Rusbridge Close. 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.

RESIDENTIAL AMENITY

The proposed replacement garage measures 5m high which would be double the height of the existing garage. The width of the proposed garage also increases from 2.7m to 5m. Despite these increases there will be no overlooking of adjacent properties as the only window in the store area at first floor level overlooks Rusbridge Close. To prevent potential overlooking issues in the future a condition will be included to restrict the installation of windows to the southern elevation only.

The dwellings to the east of the garage, in Rusbridge Close, comprises of two blocks of terraces of three properties and the proposed garage remains visually subservient to both these and the host dwelling. The Council uses a 45 degree rule to assess any serious effects on daylight, sunlight and possible overbearing impacts caused by developments. The proposed two storey garage does not intersect a 45 degree line drawn from the centre of the ground and first floor windows in the front elevation at no.1 Rusbridge Close. A small degree of overshadowing will occur to the front of no.1 Rusbridge Close although it is considered acceptable due to compliance with the 45 degree rule. The view from the rear of no.14 Pinehurst Park will be impacted but the garage will be no larger than the existing view of the side elevation of no.1 Rusbridge Close.

Overall, taking in to account the small degree of overshadowing and the existing layout of nos.1-3 Rusbridge Close in relation to nos.12 & 14 Pinehurst Park the siting of the proposal is not considered to have a significantly 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 policy D DM1 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 plans:-
Sheet 1a of 3 Proposed floor plans
Sheet 2a of 3 Proposed elevations

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 District Local Plan.
- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in any elevations of the development hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.
- 5 **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.