

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

REF NO: **AW/228/17/HH**

LOCATION: Tradewinds
 7 Arun Way
 Aldwick

PROPOSAL: Demolition of water tank & garden room & erection of detached garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Detached double garage building including ancillary toilet (for use by the gardener) & store/workshop. The building would have a footprint of 6.71m by 7.6m. It would have a part pitched (hipped) roof (ridge height of 4.7m) and part flat roof (height of 2.3m). The garage would be sited differently to before and be slightly further away from the boundary wall and slightly further away from the northern boundary. Ground floor windows are proposed in the north and east elevations. No roof level windows are proposed.

TOPOGRAPHY

Predominantly flat but the site is approximately 0.25m lower than the level of 8 Arun Way.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Adjacent to a 2m high part wall part fence.

SITE CHARACTERISTICS

Large detached house in terracotta render of 2 storeys set in spacious grounds with main garden to rear. The property has boundaries with 8 Arun Way to the north, 9 to the west, 6 to the east and a private beach to the south. The site of the garage is currently occupied by a single storey monopitch terracotta coloured garden room built up against (and including part of) the existing 2m high part wall/part fenced boundary.

CHARACTER OF LOCALITY

The property lies in a residential street forming part of a private estate with detached dwellings of fairly uniform size aside from 7 which is around twice the size of others. All houses have large plots but the site is much larger than others in the area. The property adjacent to the North, no. 8 Arun Way, has an pitched roof garage approximately 5.05m high and

approximately 9m in from the Arun Way boundary at the closest point. The boundary of the Aldwick Bay Estate Conservation Area runs along the opposite side of Arun Way.

RELEVANT SITE HISTORY

AW/122/15/HH	New double garage & games room to replace demolished water storage tank & greenhouse.	Refused 11-06-2015	
AW/222/15/HH	Double garage replacing demolished water storage tank & garden room (resubmission following AW/122/15/HH).	Refused 15-10-2015	
AW/93/16/HH	Proposed garage replacing demolished water tank & garden room. Resubmission of AW/122/15/HH	Refused 16-06-2016	<i>Appealed</i> Appeal: Dismissed 18 04 2017
PAA/119/17/	Erection of garage, toilet and garden store.	Refuse Pre App 04-07-2017	

Planning application, ref AW/122/15/HH proposed a 1.5 storey garage building 5.44m high and including a games room in the roof. It was to have a footprint of 9.1m by 6.71m. The first floor included a Juliet balcony on the south elevation. It was to be sited between 1 and 4m in from the boundary with Arun Way. This application was refused for the following reason:

"The proposed double garage with games room above would, by virtue of its height, size and siting in the corner of the site adjacent to Arun Way, will impact adversely on the streetscene, erode the open aspect of this part of the estate and adversely affect the setting of the adjacent Conservation Area. As such it is considered to be contrary to Policies GEN7 & AREA2 of the Arun District Local Plan and D DM1 & HER DM3 of the Arun Local Plan 2011 - 2031 (Publication Version)."

A second planning application, ref AW/222/15/HH amended the height of the garage to bring it into line with the height of the roof of the existing garage next door at 8 Arun Way, removing the first floor space and Juliet balcony but maintaining the same siting. This was refused for the following reason:

"The proposed double garage would, by virtue of its siting in the corner of the site adjacent to Arun Way, impact adversely on the streetscene, erode the open aspect of this part of the estate and adversely affect the setting of the adjacent Conservation Area. As such it is considered to be contrary to Policies GEN7 & AREA2 of the Arun District Local Plan and D DM1 & HER DM3 of the Arun Local Plan 2011 - 2031 (Publication Version)."

A third planning application, AW/93/16/HH proposed a similar garage to ref AW/222/15/HH but with its south eastern corner some 1m further away from the boundary wall (increased from 4 to 5m). The northern corner was still to be only 1m from this wall. This was refused by the

Development Control Committee for the following reason:

"The garage would, by virtue of its siting in the corner of the site adjacent to Arun Way, impact adversely on the streetscene, erode the open aspect of this part of the estate and adversely affect the setting of the adjacent Conservation Area contrary to GEN7 & AREA2 of the Arun District Local Plan and D DM1 & HER DM3 of the Arun Local Plan 2011 - 2031 (Publication Version)."

An appeal was lodged against this refusal. The Inspector dismissed the appeal in April 2017. The Inspector considered that the proposed garage was substantial with a contrasting gabled roof design and this gave the design a bulky appearance and result in a cramped form of development. Further, that the garage would be significantly higher than the boundary wall and therefore very conspicuous from the street. The Inspector also considered that the garage would therefore be quite incongruous in the context of the generally spacious layout of the estate.

The Inspector then considered the impact on the adjacent Conservation Area. His opinion was that the garage would appear of simplistic design, and be out-of-scale in terms of its form and materials, as compared with the richly elaborated forms and details of houses within the Conservation Area. He considered that the new building would appear out of place in terms of this prevailing character. The Inspector accepted that the harm to the Conservation Area would be significantly less than substantial. However, in accordance with paragraph 134 of the National Planning Policy Framework (NPPF), it is necessary to balance such harm against any public benefits of the proposal, and it was clear that the private nature of the nature meant that it would have no public benefit.

Pre-application was recently given for a revised scheme where it was concluded that:

"I acknowledge that positive changes have been made to lessen the size of the building and to reduce its impact on the streetscene. However, in the absence of details, I am unable to assess whether there would be any impact on views from Arun Way and it is not clear as to whether the design of the building would be acceptable in the context of the adjacent Conservation Area. I am also in receipt of an objection from our Conservation Officer who remains unconvinced that it is possible to site the garage in this location without harm to the streetscene and Conservation Area."

REPRESENTATIONS

Representations received:

No Parish Council response.

One letter from the Aldwick Bay Company Ltd stating that they have no objection to the design & size of the proposal provided that the materials used and the detailing carefully matches with those of the original house. They also request that the garage not be used as a separate accommodation.

Comments on Representations received:

Noted. Conditions will be imposed to require details of materials and to ensure the garage is used for the parking of a vehicle.

CONSULTATIONS

Conservation Officer

Consultations responses received:

ADC CONSERVATION OFFICER - No objection:

"The site is just outside the south-western boundary of the Aldwick Bay conservation area. The proposed structure is of diminutive form and it will not intrude into any important views to or from the designated area. The proposal causes no harm to the significance of the heritage asset and there is no objection in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policy HER DM3."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order;
Adjacent to (but not within) a Conservation Area; and
Within the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas
	GEN2	Built-up Area Boundary
Publication Version of the Local Plan (October 2014):	GEN7	The Form of New Development
	GEN12	Parking in New Development
		D DM1 Aspects of Form and Design Quality
		HER SP1 The Historic Environment
		HER DM3 Conservation Areas
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD2	Conservation Areas
SPD10	Aldwick Parish Design Statement

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 and is 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.

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.

The examination was completed in September 2017.

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. 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).

Aldwick have not developed a Neighbourhood Development Plan but have published a Design Guide.

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

PRINCIPLE:

The site is located within the built up area boundary and as such, the principle of a new garage outbuilding is considered to be acceptable subject to normal design criteria.

CHARACTER, DESIGN, HERITAGE & VISUAL AMENITY:

Arun District Local Plan Policy GEN7 indicates that planning permission will only be granted for schemes displaying high quality design & layout and do not have an unacceptable adverse impact on adjoining occupiers.

Policy GEN7 states that development will be permitted provided that (amongst other things) "demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness". AREA2 states "permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting".

The current proposal has made several changes to the structure previously dismissed on appeal. Although the proposed garage is the same width as before, it has a 1.5m shorter length than before and a hipped roof form (previously gabled) with a ridge height, some 0.6m shorter than before. In addition, the rear 2.2m part of the garage will have a flat roof. The garage will also be located further away from both the boundary with no. 8 and from the boundary with Arun Way. As such the pitched roof part will be almost 4m from the Arun Way boundary whereas it was previously only a 1 metre away at the closest point.

It is considered that these changes go a long way in improving the proposal and will reduce the impact on the Arun Way streetscene. The Councils Conservation Officer has re-appraised the scheme and considers it to be of diminutive form such that it will not intrude into any important views to or from the designated area - and will not therefore affect the significance of the Conservation Area.

The site is defined within the Aldwick Parish Design Statement as being part of character area 1 (Aldwick Bay Estate). The following development criteria are therefore relevant:

- New development should protect and where possible reinforce the character of the surrounding area;
- New development should work with rather than against the characteristics of the site and the surrounding area;
- New development should protect existing views and create new views and use materials and building styles which are appropriate in the local context;
- Planning permission should only be granted for schemes displaying high quality design and layout;
- Development proposals involving new buildings or significant extensions or alterations, must be accompanied by an illustrated written analysis of the site and its immediate settings;
- Development should be permitted provided it does not have an unacceptable adverse impact on adjoining occupiers, land uses or property and, where relevant, facilitates the development of adjoining sites;
- All applicants should be encouraged to improve the visual amenities of a particular locality in scale, external appearance, hard and soft landscaping and materials; and

- Materials matching the existing building should be used where appropriate.

It is considered that the proposed garage structure is in accordance with this guidance and that this is supported by the representations of the Aldwick Bay Company Ltd.

It is therefore considered that the proposal is in accordance with the relevant policies of the development plan and in respect of the Design Statement.

RESIDENTIAL AMENITY:

Arun Local Plan Policy GEN7 (iv) states that development should not have an unacceptable adverse impact on adjoining occupiers, land, uses or property

It is not considered that the garage will have any adverse impact on the amenity of nearby residents. There are no windows facing no. 8 and none are now proposed in the roof. A planning condition will be imposed to ensure that the garage is used for ancillary purposes to the existing house and not as additional residential accommodation.

Although the addition of a small bathroom is unusual in the context of a garage, it is understood that this would be for the gardeners use and it is not considered that there is any reason to doubt this assertion or that the addition of a toilet in a garage is otherwise unacceptable.

SUMMARY:

It is considered that the application complies with the policies of the development plan and it is therefore recommended that planning permission be granted subject to the following 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:

Drawing 1 of 2 (02/08/17); and
Drawing 2 of 2 (02/08/17).

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of the materials and finishes to be used for the external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

- 4 The garage building shall be used only as private domestic garaging for the parking of vehicles incidental to the use of the property as a dwelling and in respect of the toilet/store/workshop for use by any gardeners or workmen employed on the property. The garage building shall not be used as residential accommodation separate to the property known as Tradewinds.

Reason: In the interest of maintaining the character of the existing site in accordance with policies GEN7 and AREA2 of the Arun District 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.