

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

REF NO: AW/357/20/HH

LOCATION: Land Between 8 And 12
10 Wychwood Close
Aldwick
PO21 4DW

PROPOSAL: Outbuilding in rear garden. (This application may affect the setting of the Craigwell Conservation Area.)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct an outbuilding to the rear garden of the property.
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REPRESENTATIONS

Aldwick Parish Council provided no objection.

No representation received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer -There appear to be significant off-site trees which could be adversely affected by this proposal. There is no supporting arboricultural information submitted with the application. As such there is insufficient information to guarantee the trees are protected.

The building footprint appears to be sited within the crown spread and probably within the nominal root protection area (RPA) of an established off-site oak tree. There is potential for damage occurring to those trees during ground preparation and installation of foundations. Furthermore, installation of any services/utilities may need to be routed through RPAs. As it stands an Arboricultural Impact Assessment should be submitted to demonstrate the trees have adequate protection.

Comments and noted and addressed in conclusion.

POLICY CONTEXT

Built up area boundary
Conservation Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

ENVDM4	ENV DM4 Protection of trees
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

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

PRINCIPLE

The key policies considered are D DM1 of the Arun Local Plan.

Aldwick does not have a Neighbourhood Plan although does have a Parish Design Statement, with the property located within Area 2.

DESIGN AND VISUAL AMENITY

The outbuilding will be situated to the rear of the property and as such is not visible from the wider area.

The structure is modest in size with a length of 4m and a depth of 2.4m. The external walls will consist of cladding which is considered to blend in with design of the host dwelling which also features cladding and is contemporary in appearance, being a new build.

Due to the siting, with no viewpoints from the wider area, it is not considered to result in an adverse impact upon the character of the area and accord with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The outbuilding will be located to the north eastern corner, retaining 1m to the rear and eastern boundary.

The structure will have a height of 2.85m with a flat roof, and due to the siting, to the rear corner it is not considered to result in overbearing or overshadowing impacts.

There will be doors to the front, which will give rise to views over the garden of the host dwelling and with the structure at single storey is not deemed to provide adverse overlooking.

Due to the siting and modest size, the development is not considered to result in harm upon neighbouring amenity and accord with D DM1 of the Arun Local Plan.

IMPACT ON CONSERVATION AREA

The proposal is situated within the Craigweil Conservation Area.

Paragraph 189 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The heritage asset is of some significance.

Paragraph 190 requires the LPA to consider the significance of the impact upon that heritage asset. The proposal has limited impact on the significance of the heritage asset as a result of the modest size of the outbuilding proposed and located to the rear of the site, is not visible from the street scene.

Para 193 states. "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation"

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As a result of the scale of the development, the proposal is not considered to materially affect the character or from detract from the visual appearance of the Conservation Area and is not considered to harm the significance of the heritage asset.

TREES

The siting of the structure appears to fall within the RPA of an off -site TPO Oak tree and therefore it needs to be ensured that the development would not give rise to harm upon the nearby trees.

The tree officer has been consulted and advised that an Arboricultural Impact Statement and plans should be provided demonstrating whether the structure will harm the RPA and measures that will be undertaken to avoid this.

A pre commencement condition has been included and agreed with the agent for the details to be submitted prior to commencement of the development which seeks to ensure protection of the nearby trees.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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
 - Location Plan - 01L
 - Block Plan - 01B Rev A
 - Proposed Plans - 02 Rev A
 - Design and Access Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 'Prior to commencement of development, details by way of a cross section plan shall be submitted and approved by the Local Planning Authority to ensure that there will be no excavation so as to protect the RPA of a protected Oak tree to the north east corner of the site. The works shall be undertaken in accordance with the approved details.

Reason: To protect trees in accordance with British Standards and policy ENV DM4 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.