

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

REF NO: **AW/55/13/**

LOCATION: 2 Queens Fields East
Aldwick

PROPOSAL: Garage extension with new vehicular access (resubmission following
AW/321/12/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of attached garage to the side of an existing dwelling. 6.1m deep x 4.25m wide x 4.4m high. Pitched roof and materials to match existing.
SITE AREA	Approx. 795sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The application states that no trees or hedges will need to be removed or pruned in order to carry out the proposal. The inspection of the site noted that dense foliage will require removal should permission be granted.
BOUNDARY TREATMENT	Open adjacent to proposed garage location.
SITE CHARACTERISTICS	Single storey semi-detached dwelling facing Queens Fields East and secondary frontage to Trinity Way. Existing single attached garage to side has been converted to study and store room but retains garage door.
CHARACTER OF LOCALITY	Single storey dwellings with single garages.

RELEVANT SITE HISTORY

AW/322/12/BR	Conversion of part of existing garage to form accommodation and other internal alterations.	Passed 18-01-2013
AW/321/12/	Detached garage with new vehicular access.	Refused 04-02-2013

REPRESENTATIONS

Representations received:

Aldwick Parish Council

- Strong objection.
- Potential highway safety problems and problems with access.

- Conflict with policy GEN12 of Arun DLP 2003.

Two letters of objection received

- Reiterate previous objections.
- Disregards open frontages.
- No consideration of the building line.
- Visibility reduction for road users.
- Extremely busy road.
- Illegal parking.
- Lamp post and utilities cover.
- Garage plus drive for two cars and hardstanding existing.
- Plans to build 23 flats on St Michaels Church site will exacerbate parking problems.
- Pedestrian hazard.

Comments on Representations received:

- The location of the access on the corner with turning area will provide good visibility for users of the garage. There are similarly positioned garages and driveways on corners opposite the site.
- Resulting parking will be one garage and the driveway, turning area proposed is not for parking.
- The extension is minor and will not materially impact on the open frontage character or the building line as the site is on a corner.
- Garage is set back 5m from road and will not result in visibility issues.
- Council's Planning Officer has visited the site three times and at no time was the road busy.
- The provision of additional off-street parking should reduce illegal parking in the area.
- If alteration to the lamp post or utilities cover are required the Applicant will be required to make their own arrangements.
- Existing garage has been converted to a habitable room, which does not require planning permission.
- Parking for any new developments will be dealt with by those permissions.
- The wide footpath on the site will be retained and pedestrian safety will not be materially adversely impacted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
PD Restriction
TPO

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[GEN12](#)
[DEV19](#)

The Form of New Development
Parking in New Development
Extensions to existing residential buildings

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, adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

Site is located within the built-up area boundary where the principle of development is acceptable.

GEN7 FORM OF NEW DEVELOPMENT

The proposal responds to the constraints of the site and does not adversely impact on the amenity of any neighbouring properties.

GEN12 PARKING IN NEW DEVELOPMENT

One garage space and one visitors space are the maximum recommended by Appendix 2. The application will result in one garage and one driveway space. This is considered acceptable in this instance.

DEV19 EXTENSIONS TO EXISTING RESIDENTIAL BUILDINGS

The attached garage relates sympathetically to the existing dwelling.

The proposed garage is setback 0.5m from the primary frontage of the dwelling and down 0.5m from the existing main ridge of the dwelling. The proposal is subservient to the existing.

The proposed garage is separated from the nearest neighbouring dwelling by 14m and will not result in an adverse overlooking, overshadowing or overbearing impact to any neighbouring property.

The proposal will not compromise the established spatial character or pattern of the street.

SUMMARY

The proposal is acceptable in relation to relevant policies and is recommended for approval.

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) 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

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

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 1 of 2 and Sheet 2 of 2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7, GEN12 and DEV19 of the Arun District 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 policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN12, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 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 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.