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

REF NO: **A/143/16/HH**

LOCATION: Copper Beech
Ham Manor Close
ANGMERING

PROPOSAL: 2 bay oak framed barn

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the construction of a 2 bay oak framed garage which will measure approximately 5.5m in width, 5.5m in depth and 4m in height. The proposed garage will be situated approximately 2m from the southern boundary of the site.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site consist of close boarded fencing to a height of approximately 1.8m and mature planting.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling with rendered and tile hung elevations.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Angmering Parish Council

No Objection - Considered at Housing, Transport and Planning Committee meeting, 30/08/2016.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D SP1 Design

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them

will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Angmering Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

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 application site falls outside of the built up area boundary. However, the proposed development is situated within the curtilage of an existing dwellinghouse and as such the principle of development in this location is considered acceptable. The key policy considerations in the determination of this application are policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY
The proposed garage by virtue of its design is considered acceptable and is not deemed to have an unacceptable impact upon the character of the host dwelling.

It is also considered that due to the location and design of the garage that it will not have a significant presence within the street scene. The screening on the southern boundary of the site is considered sufficient to adequately mitigate the impact of the proposal on the character of the locality.

It must also be considered that were the proposed garage to be set further back on the site (behind the principle elevation of the dwelling) then the development would benefit from permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Therefore, it is considered that the proposal accords with policy GEN7(ii) of the Arun District Local Plan and the National Planning Policy Framework.

RESIDENTIAL AMENITY
The proposed garage by virtue of its height, location, distance from the boundary and boundary screening is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours. Therefore, the proposal is considered to accord with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY
The proposed development is considered to accord with relevant development plan policy and as such is recommended for approval subject to the below 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 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

Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon any 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: Block Plan; Elevation Plan dwg CB 001; Elevation Plan dwg CB 002; Elevation Plan dwg CB 003; Elevation Plan dwg CB 004; and Floor Plan dwg CB 005.

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 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.