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

REF NO: A/204/17/HH

LOCATION: Victoria Cottage
West Drive
Angmering
BN16 4JF

PROPOSAL: Garage conversion & new pitch roof to create a detached annexe ancillary to main dwellinghouse.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The existing garage measures 7m long, 5.3m wide and 2.5m high (flat roof). The proposed development does not increase the footprint but does provide an additional storey and the resultant building would have a height of 6.8m. There would be a dormer window and two roof lights in front elevation providing glazed doors with a Juliette balcony. The proposal includes a garage and bedroom and bathroom at ground floor and living/kitchen at first floor. Proposed materials would be tile hang and tile roof to match the main house.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property has a mix of fences and trellis approximately 1.8m high together of hedges and mature planting.
SITE CHARACTERISTICS	Semi detached two storey property set on a spacious plot. The property has a rear access of the lane. The property overlooks countryside to the rear.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly detached 2 storey dwellings of varying design and style.

RELEVANT SITE HISTORY

A/143/84	Addition Of Conservatory	ApproveConditionally 29-08-84

REPORT(ODB)

No relevant planning history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council object unless a condition is imposed to tie the annex to the main house.

No response to public consultation

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted and a suitable condition would be imposed on the grant of planning permission

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside built up area

DEVELOPMENT PLAN POLICES

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 DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & 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.

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.

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).

The relevant policies of the Angmering NP have been taken into account.

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

The semi detached property is sited in a residential area and the application seeks to convert an existing garage to a one bedroom annex.

The proposed development comprises the addition of an additional floor to the existing garage building and would create a relatively large structure with a floor area of approximately 75 sq.m. The design of the building including proposed materials is not untypical of the semi rural location and in itself is acceptable.

Adopted planning policy seeks to protect the natural environment by strictly controlling development the outside the built up area. Development outside the defined built-up area will only be allowed where it complies with other policies. Policy GEN 3 seeks to ensure that outside the built up area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake. There would be no conflict with GEN 3, as it is residential curtilage. However, policy GEN7 also applies to all development and seeks to ensure that proposed developments is acceptable. The policy advises that development will be granted permission if it complies with a number of specific criteria. Criteria (ii) states, "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". The aim of the criteria is to ensure that new development has regard to and is not harmful to the character and appearance of the area".

Whilst it is accepted that the proposed development would be an ancillary use to the main house and as such its use could be controlled by a suitable planning condition it is considered that the proposed size of the building would introduce a larger building in the curtilage of the property. However, given the siting of the proposed garage and its proximity to the main house, also given the design and materials proposed, it is not considered that the proposed development would be harmful to the character and appearance of the of main property or the wider area.

With regard to the impact upon the amenity of neighbouring properties. The proposed building would be sited a satisfactory distance from the property to the east and west and to the south there is open land As such the proposal will not have an adverse impact upon the amenity of adjoining occupiers in these directions. To the north the boundary of the adjoining property No.1 is 11.5m from the proposed building. There are no first floor windows in the side elevation of the proposed building facing No.1. Whilst the front elevation has glazed doors with a Juliette balcony it is considered that given the distance to the neighbouring property and the angle of view the proposal will not lead to a loss of privacy to the occupiers of No.1. Likewise it is not considered that the increased height would be unduly dominant and lead to a loss of outlook to the occupiers of this property.

As the proposed use is for an ancillary annex it is considered appropriate to impose planning conditions restricting the use of the outbuilding to be such an ancillary structure and not a separate form of accommodation that could be sold or let separately and to define this permission.

Therefore, based on the above assessment and on balance it is considered that the proposed development is acceptable and would comply with adopted planning policies in the Arun Local Plan 2003 and the Angmering Neighbourhood Plan.

It is therefore recommended to approve the application, subject to the following conditions.

HUMAN RIGHTS ACT

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
1355/P01 & 1355/P02A
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 The materials and finishes of the external walls and roof of the proposed annex 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 The building hereby permitted, (conversion of garage to annex) shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling Victoria Cottage,

West Drive, Angmering and shall not be sold or let separately from the property Victoria Cottage, West Drive, Angmering at any time, including use as holiday accommodation.

Reason: In the interests of the amenity and character of the area in accordance with policy GEN7 of the 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.