

Recommendation Report for Planning Permission

REF NO: A/89/14/PL

LOCATION: Downsvie
Littlehampton Road
Ferring

PROPOSAL: Erection of garage/workshop and an increase in height to the front boundary by 300 mm.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to an increase in height of the front boundary screening by 300mm to 2.8m by the provision of close boarded fencing behind the existing boundary walling. The entrance gate would be repositioned 5m further into the site. It is also intended to provide a garage workshop building behind the front boundary measuring 11m by 8m in area with a ridge height of 6.1m and an eaves height of 3.2m. The roof would be constructed of interlocking roof tiles and the elevations would be painted render to match the existing dwelling house. The workshop would be used by the applicant for boat repairs and storage.

SITE AREA

0.044 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Road frontage walling to approx. 1.6m with wattle fencing behind to approx. 2.8m. Conifer planting behind. Close boarded fencing to western boundary conifers behind to approx. 3m. Close boarded fencing to eastern boundary access.

SITE CHARACTERISTICS

Detached 2 storey dwelling with large hard surfaced area to front garden area. Currently used for car parking and storage of trailers.

CHARACTER OF LOCALITY

Predominantly rural. Field to west. Garden centre to east. Caravan storage to north.

RELEVANT SITE HISTORY

A/153/05/	Outline Application for demolition of existing house & commercial buildings & caravan storage and erection of affordable housing in energy efficient scheme with associated car & cycle parking, amenity space, community facilities & associated infrastructure & implementation of community travel plan & community management scheme (Departure from the Development Plan)	Refused 07-07-2006 Appeal: Dismissed 22 01 2007	<i>Appealed</i>
A/194/06/	Outline application for demolition of existing house & commercial buildings & removal of caravan storage & erection of car dealership including showrooms, preparation area, car parking & display, access alterations (Departure from the Development Plan)	Refused 23-02-2007	
A/195/06/	Outline application for demolition of existing house & commercial buildings & removal of caravan storage & redevelopment for B1(c) purposes, including car parking, access alterations etc (Departure from the development plan)	Refused 23-02-2007	
A/4/08/CLE	Application for a Lawful Development Certificate for an Existing Use as a hard storage yard used for open storage	Approve 27-02-2008	
A/132/77	Proposed building to replace existing dilapidated hut	ApproveConditionally 01-09-1977	

REPRESENTATIONS

Representations received:

Angmering Parish Council

No Objection - Provided materials used to screen the property from the roadway are in keeping with the surrounding area and approved by ADC planners

Comments on Representations received:

The replacement front boundary walling is indicated as timber close boarded fencing. This could either be screened with wattle fencing to match the existing or painted matt black. It is proposed to condition to allow further details to be submitted and considered at a later stage.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Engineers (structural)

Consultations responses received:

County Highways - The existing boundary gates would be set back 5m further into the site to give a total space of 11m from the carriageway edge. This would allow a car towing a boat the

clearance it needs to be safely off the highway if the gates are closed. The width of the access is wide enough to allow 2 cars towing a boat/or car without a boat to pass each other.

The maximum number of movements created by the workshop at any one time is 3. Generally a family home could have the potential to create 6 trips a day. Therefore the daily vehicle movements are low (no more than 10) and not considered to cause a material capacity impact. The proposed parking allocation of 4 spaces seems reasonable. The increased height to the front boundary wall does not affect the visibility for a driver entering or exiting the driveway.

A condition is suggested relating to construction plant and materials.

Engineers (Structural and Drainage)

No comment

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Class A road

Outside Built up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN3](#)
[GEN7](#)

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

Protection of the Countryside
The Form of New Development

SD SP1 Sustainable Development
C SP1 Countryside
SD SP3 Gaps Between Settlements
D SP1 Design
D DM1 Aspects of Form and Quality

PLANNING POLICY GUIDANCE

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.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public

consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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).

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 site lies outside the built up area boundary, but does not result in expansion of the existing residential curtilage and the new building would take place on an area that is already hard surfaced. The occupation of the dwelling is not limited to agriculture. Whilst the site is defined as having a rural location it is positioned adjacent to a garden centre and caravan storage area. The existing boundary screening and trees already preclude direct view across the front of the site. Only the first floor of the existing dwelling is readily visible. It is against these site characteristics that the visual impact of the proposal will be assessed. The agent has advised that the building dimensions are necessary to provide space for storage of 3 boats at any one time. The maximum size of boats that would be worked on is 7m by 3m (including the trailer). A classic car and ride on lawn mower would also be stored within the building. It is intended the first floor accommodation would be used for ancillary residential purposes.

The increase in height of the front boundary demarcation would not be significant when considered against its overall existing height. The front boundary is set back from the edge of the carriageway approximately 2 metres which also reduces its visual impact from the site frontage. The use of 2 differing materials (the existing wall and proposed fence behind) helps to reduce the prominence of the structure by creating a horizontal visual split.

The height of the proposed screening would ensure that the base of the proposed garage would not be visible from outside the site. The roof area and eaves line would be the only part of the building that would be seen from outside the site. The south elevation facing the road has no openings and has a ridge line of only 3m in length. It is therefore considered given the overall height, design and dimensions of the building that the proposal is acceptable in terms of residential amenity.

The Emerging Local Plan has designated the site as falling within an area that constitutes a gap between settlements and subject to policy SD SP3. This seeks to preserve the gaps and undeveloped nature of development between settlements and protect their identity. It is not considered that the proposal would undermine these objectives since the development would take place within a residential curtilage and would not represent incursion into open countryside. Whilst the roof of the building would be visible it would not detract from the visual separation of settlements. The site is bounded on one side by open fields and the other by an access road and garden centre. The development could not be located elsewhere since it would be for purposes ancillary to the use of the dwelling house and to facilitate homeworking by the applicant who is a marine engineer. It is therefore considered that the application is in accordance with this policy.

There are no residential properties in close proximity to the site and use of the workshop by the applicant for boat repairs and storage would not result in an unacceptable level of activity or noise or cause harm to residential amenity. No plant machinery would be utilised with only domestic hand held tools being used by the applicant. It is considered that the imposition of a condition controlling the nature of the tools used would not be reasonable given the distance to residential properties and the position of the site next to a busy dual carriageway road which generates a relatively high level of background noise.

County highways have been consulted on the application and have raised no objections in terms of highway safety.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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 (the 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 neutral 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).

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, site and roof plan, front elevation Proposals 02, and Proposals 01 workshop details

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 building hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of Downsview as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 4 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details of all temporary plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to the access in the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed workshop 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 policy GEN7 of the Arun District Local Plan.

- 6 No development shall commence until precise details of materials of the replacement timber close boarded fencing have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the fencing.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In order to control the development in the interests of the character and appearance of locality in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 8 **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.