

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

REF NO: BE/101/21/HH

LOCATION: 3 Homing Gardens
Bersted
PO22 9AJ

PROPOSAL: Replace metal framed/wood panel workshop in rear with brick-built workshop
(This application may affect the character and appearance of the North Bersted Conservation Area)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to replace the metal framed/wood panel workshop in rear with a brick-built workshop (This application may affect the character and appearance of the North Bersted Conservation Area).
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RELEVANT SITE HISTORY

BE/69/20/CLP	Lawful development certificate for the proposed replacement of current garage/workshop.	PP Required 22-09-20 Appeal: Dismissed 22-06-21
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REPRESENTATIONS

Bersted Parish Council - No Objection.

5 Letters of Objection received from nearby occupiers (summary below):

- Concerns over parking availability
- Concerns that the parking area in front of the development is jointly owned by the residents and is already in a poor condition already over crowded
- Concerns that it is within a Conservation Area
- Concerns that the window in the development is the width of a garage door and would easily be changed
- Concern that the area would become a mini car repair centre
- The proposed plans seem to show the roof area higher than at present
- The land belongs to 3 Homing Gardens' Garden area, not the private garages.
- The shed on the land at present is a temporary structure and this application would be for a permanent structure
- Concerns that it would be used for some kind of business which would not be permissible under the clauses for the private garage area
- Concerns that it could cause increased damage and difficulty in parking and accessing garages
- Do not want new structure to use existing wall being used as a supporting structure in any way
- Concerns that Increased run off from an additional roof could cause the slabs to become more unstable

- Concerns that the workshop could contain a number of combustible materials for welding.

Noted. A condition will be applied requiring the outbuilding to be ancillary to the occupation and enjoyment of 3 Homing Gardens as a dwelling.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Built-Up Area Boundary
Conservation Areas
Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

[Bersted Neighbourhood Plan 2014 Policy ES1](#) Design of new development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and HER DM3 of the Arun Local Plan.

Bersted has a made Neighbourhood Development Plan with policy ES1 and ES5 being of relevance to this application.

Policy ES1 states that 'new development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location'.

Policy ES5 states 'the design of new buildings should contribute positively to the historic character. Listed Buildings and their settings and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of Bersted'.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy HER DM3 relates to Conservation Areas.

SITE HISTORY

There has been a recent application Refused and Appeal Dismissed under BE/69/20/CLP for a similar outbuilding on 22-06-21.

DESIGN AND VISUAL AMENITY

The proposal seeks to replace existing metal framed/wood panel workshop in rear (south east) with a brick built workshop. The site is located on the boundary of the North Bersted Conservation Area.

The existing metal framed/wood panel workshop in rear (south east) will be removed.

The proposed brick built workshop will be single storey and will be sited at the end of a line of garages. It will have access via a new single door to the west elevation to allow access from the rear garden of 3 Homing Gardens.

The proposal has a width of approximately 3.66m and a length of approximately 5.84m. The height to top of flat roof will be 2.51m. There will be one new single door and one new window to west elevation. There will also be one new large window (3 window panes) to east elevation facing garage compound to east.

There is a gap of around 0.12m retained to the north, 0m to the east, 0.059m to the rear (south) and 4.50m to the west boundary.

The proposed materials will be brickwork walls to match existing brickwork of garages within compound and felt roof materials similar to other garages within compound so is acceptable.

Due to the siting and scale of the development to the rear of the property and at the end of a line of garages there are limited views from the wider area so does not adversely impact the character of the street scene or surrounding area in accordance with D DM1 of the Arun Local Plan and policy ES5 of the Bersted Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposal has a width of approximately 3.66m and a length of approximately 5.84m. The height to top of flat roof will be approximately 2.51m.

Due to 0.059m retained to rear (south) boundary there is increased risk to overshadowing or overbearing effect to neighbouring property to rear (south) however due to property to south set back by gardens of around 8.27m there is no adverse harm caused.

Due to one new single door and one new window to west elevation there is minimal increased risk to overlooking to neighbouring property to number 4 Homing Gardens to west due to being at single storey, existing boundary fence to west and a gap of around 4.5m retained to west boundary so is acceptable.

Due to one new large window (3 window panes) to east side elevation and no neighbouring properties to east due to garage compound there is no harm to neighbouring amenity to east so is acceptable.

It is considered due to the size of the workshop, the works would not result in a materially adverse impact on the residential amenities of neighbouring properties and comply with D DM1 of the Arun Local Plan.

PARKING

There is no change to parking availability due to proposal containing access via a single door to west so there is no opportunity for a vehicle to be parked inside the workshop. The proposal complies with policy T SP1 and ADC Parking Standards.

HERITAGE ASSETS

The property is on the boundary of the North Bersted Conservation Area.

Para 194 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The heritage assets in this case are of some significance.

Para 195 requires the LPA consider the significance of the impact upon that heritage asset. The proposal is considered to have a limited impact upon the significance of the heritage assets. This is due to the size and scale of the workshop which is sited to the rear of the property behind a line of garages so has minimal visibility from the wider public realm. As such, the proposal will not harm the setting of the Conservation Area and the proposal complies with policy HER DM3.

SUMMARY

The proposed development accords with the 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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

Block Plan

Amended NNW and NNE Elevations DWG. NO. 2021078/PL/1B - received 29.11.21

Amended SSW and SSE Elevations DWG. NO. 2021078/PL/2B - received 29.11.21

Amended Floor and Roof Plans DWG. NO. 2021078/PL/3A - received 30.11.21

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 The workshop hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 3 Homing Gardens as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun 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 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.