

Recommendation Report for Planning Permission**REF NO:** BE/157/12/**LOCATION:** Goldcrest
Babsham Lane
Bersted**PROPOSAL:** Application for a minor material amendment of previously approved planning permission BE/71/12 - re-position and re-orientate the garage**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks consent for a minor material amendment to approved planning permission BE/71/12/. The application seeks to re-position a detached pitch roof garage in the front garden.
SITE AREA	Approximately 900 sq m
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2 metre high conifer hedge to front boundary. 1.8-2 metre high timber panel fence to side boundaries. No boundary to rear.
SITE CHARACTERISTICS	Detached modern chalet bungalow constructed from brick with tiled, pitch roof and flat roof dormer windows to front and rear. Detached flat roof garage to side.
CHARACTER OF LOCALITY	Ribbon of residential development in open countryside. Secondary access road parallel with A259.

RELEVANT SITE HISTORY

BE/11/12/	New double garage, detached ancillary annexe, single storey front and rear extensions, and extension to rear dormer window.	Refused 29-03-2012
BE/71/12/	Proposed ground floor extension and extension to rear dormer, proposed detached garage and proposed conversion of garage to annexe (resubmission of BE/11/12/)	Approve Conditionally 13-06-2012
BE/12/48/A	Outline application for one dwelling house	Refused 18-01-1961

BE/12/48/B	Outline application for bungalow and 2 garages adj.	Refused 02-10-1963
BE/12/48/C	Outline application for one bungalow & 2 garages adj.	Refused 08-07-1964
BE/36/74	Erection of single storey dwelling	Withdrawn 30-08-1974
BE/32/75	Chalet bungalow	Approve Conditionally 06-08-1975

REPRESENTATIONS**Representations received:**

Bersted Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside built-up area boundary

Strategic gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)

[GEN7](#)

[AREA10](#)

[DEV19](#)

Protection of the Countryside

The Form of New Development

Strategic Gaps

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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

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

The application seeks consent for a minor material amendment to application BE/71/12/, which granted consent for a ground floor front extension, extension to rear dormer, detached pitch roof garage and proposed conversion of garage to annexe.

It is proposed to re-position and re-orientate the detached double garage in the front garden. The garage will be located closer to the front boundary at a distance of 4.5 metres and will be re-orientated 90 degrees. The height, depth and width of the garage is the same as the permitted scheme.

On a conducted site visit, the garage is currently under construction.

The front garden is approximately 35 metres deep and the front boundary is a conifer hedge that will help screen the garage from view. The neighbouring property to the south has a large detached garage in the front garden. The amendment is not considered to adversely impact the streetscene or surrounding area, or affect the amenities of the neighbouring property to the east, as the garage will be sited further away from the neighbour.

It is therefore recommended that consent is granted, 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 to 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 (Neutral) 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: drawing 11/41/8A Block Plan, drawing 11/41/6A Garage, received on 14 December 2012.

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 annexe accommodation and garage hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of Goldcrest, Babsham Lane as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN3, GEN7 and DEV19 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 The top opening fan lights on the southeast elevation of the front conservatory extension shall at all times be glazed with obscure glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV19, GEN7 of the Arun District Local Plan.

- 5 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, GEN3, AREA10, DEV19

NATIONAL POLICIES: National Planning Policy Framework (2012)

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

- 6 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.