

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

REF NO: BE/20/19/HH

LOCATION: 40 Norbren Avenue
Bersted
PO21 5HE

PROPOSAL: Dwelling ancillary to the main dwelling for an elderly relative.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to convert the existing garage to provide ancillary accommodation to No.40 Norbren Avenue.
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RELEVANT SITE HISTORY

BE/89/18/HH	Proposed annexe	Refused 02-10-18
BE/4/14/	Loft conversion	ApproveConditionally 11-03-14
BE/44/07/	Proposed single storey rear extension.	ApproveConditionally 04-06-07
BE/86/87	Side extension	ApproveConditionally 24-08-87

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council provided an objection.

- Ancillary uses should provide limited accommodation and facilities. Uses that could viably operate on there should not be accepted.
- Does not comply with ES1 of the Neighbourhood Plan as it is an overdevelopment on the site and out of character.

8 letters of objection from nearby occupiers

- Is it for an elderly relative or daughter and husband as mentioned in the Design and Access Statement.
- You will be able to see into our garden (No.38)
- Will be an eyesore and out of place.
- Overdevelopment
- It will add to the number of cars at the property.
- It is not an annex but a separate dwelling
- Previous application was already refused
- Contrary to the Neighbourhood Plan
- Overbearing impact upon No.38
- Visibility at the junction and parking will be reduced.

Comments noted and addressed in conclusion.

CONSULTATIONS

Natural England

CONSULTATION RESPONSES RECEIVED:

Natural England - As the proposal results in an increase in residential accommodation, impacts to the Special protection Area and Ramsar Site may result. An appropriate assessment can be submitted. It is a matter for the Authority to decide whether an assessment of the proposal is necessary.

Comments noted. It is not considered necessary to submit additional information.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Bersted has made a 'Neighbourhood Plan' with policy ES1 of relevance to the application. The proposal complies with this policy.

The site is occupied by a two storey semi-detached dwelling with a detached garage to the front side of the dwelling. The dwelling is situated on a corner.

BACKGROUND

A previous application for an annex was refused in October. This was a result of the siting and size leading to an overdevelopment on the site and a cramped appearance upon the street scene.

DESIGN AND VISUAL AMENITY

The proposal seeks to extend the existing garage in order to construct an annexe for use of the applicants family as mentioned in the Design and Access Statement.

The property is located on a corner and as such the garage fronts Greencourt Drive at the southern side elevation of the site and is readily visible from the road frontage.

The garage is to be extended in width from 3.15m to 4m towards the northern elevation. Whilst the width does increase it retains 3.5m separation to the dwelling when viewed from the street scene.

The garage will extend towards the rear garden and meet at the boundary with an increased depth of 6m. The height will also increase.

The shape of the proposal has been altered following the previous refusal in such that it now extends towards the rear of the property with an increase in width to the rear to form an 'L' shape as opposed to extending towards the north. It is considered this design better integrates with the dwelling and retains the existing appearance from the street scene as a result of its construction in such that it only extends an additional 0.6m beyond the side elevation when viewed from the front.

Whilst there are no examples of similar development in the area, with much of the development is situated to the rear of the garage and is therefore restricted in view and as such it is not considered to appear unduly dominant upon the street scene with materials to match that of the existing dwelling. 5m is retained to the front boundary of the property.

Bersted Neighbourhood Plan policy ES1 relates to the design of new development. It states the new development should create a sense of place appropriate to its location. As a result of the revised siting and reduced scale of the ancillary building it is considered to be appropriate for its location with a sufficient distance retained to the street frontage.

The proposal as a result of its siting is not considered to adversely impact upon the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal seeks to convert the existing garage into an ancillary dwelling. The garage will increase in height to 3.75m and eaves to 2.6m. As the garage extends towards the east, the rear 5m will reduce in height slightly to 3.4m.

The proposal will abut the southern boundary however it is located alongside an access road of 3.5m width and therefore it is not considered overbearing upon neighbours at No.47 Norbren Avenue.

The development also extends along the rear boundary. Whilst it is close to boundary it is not considered to give rise to any significant impacts such as overbearing or overshadowing in which a refusal would be justified. An outbuilding could be constructed with a dual pitched roof up to 4m without permission in

some cases. The rear part of the development is therefore not considered to provide adverse impacts additional to that which could be achieved with an outbuilding/shed.

There will be 3 windows and a door installed to the northern elevation, these face towards the house and it is not considered any views would be additional to that which could be achieved from standing in the garden of the property and as such there is not considered any adverse overlooking will result upon neighbouring amenity.

A condition will be imposed which will be used to ensure the use remains as ancillary to the host dwelling and does not become a separate residential unit.

The proposal is not deemed to harm neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

PARKING

The proposal will result in the loss of a parking space with the loss of a garage. However there is space retained to the front which will allow for the parking of a car and there is on street parking. It is not considered to development will result in adverse impacts upon the highway.

SUMMARY

The proposed development is deemed to accord with the relevant development 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.

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
 - Proposed Plans - 1008-02
 - Design and Access Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 40 Norbren Avenue as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies DDM1 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 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies DDM1 of the Arun 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.