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

REF NO: **BE/62/14/HH**

LOCATION: Blackberry House
Berry Lane
Bognor Regis

PROPOSAL: New detached garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed detached garage measures approximately 5.4m in width, depth of 6.4m with a pitched roof to a height of 5.1m (eaves height 2.527m).
SITE AREA	Approximately 0.12 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Slopes upwards from Berry Lane.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary has open fields with stabling and horses, front has established hedging/tree screening over 3m in height, east side boundary hedging approximately 1.8m in height, west side boundary has access road.
SITE CHARACTERISTICS	Newly constructed two storey detached dwelling with front porch. The dwelling has red brickwork, red tile hanging on part upper level to front, tiled roof with grey window frames.
CHARACTER OF LOCALITY	Semi-rural area. The site is bordered by an access road to the west side with an open field with stabling and horses to the rear. Residential properties within the surrounding area are predominantly two storey detached, semi-detached and terraced.

RELEVANT SITE HISTORY

BE/101/07/	Erection of 1 no four bedroom dwelling	Refused 25-09-2007
BE/135/07/	Erection of 1 no 4 bedroomed dwelling (Resubmission of BE/101/07)	ApproveConditionally 16-01-2008
BE/29/10/	Proposed House - Amendments to Planning	

	Permission BE/135/07	ApproveConditionally 29-06-2010
BE/46/11/NMA	Applicaiton for a non-material amendment following a grant of planning permission BE/29/10/ to change door on south return elevation to a window	Approve 09-05-2011
BE/143/11/NMA	Application for a non material amendment following a grant of planning permission BE/29/10/ for internal changes to W/C and wetroom, fully glazed double French doors and 2 No Velux 'Sun Tunnels'	Approve 05-12-2011

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Abutts Conservation Area
Overhead Electricity Line
Area of Special Control for Adverts
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA2	Conservation Areas
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D SP1 Design SD SP2 Built -Up Area Boundary

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.

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

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 to construct a detached garage to the east of the dwelling.

The newly constructed detached two storey dwelling was the subject of planning application BE/29/10. The proposed garage is to be sited adjacent to the dwelling approximately 3m from the east side boundnary, 13m from the front boundary and will be set back from the front flank wall of the dwelling by 3.5m. The timber frame construction will have a pitched roof with tiles matching the existing dwelling with timber cladding treated with a medium oak stained finish. The front elevation will have electrically operated roller shutter door with a door stained in the same colour as the elevations. The appearance of the garage is considered to be in keeping with the host dwelling. Access to the site is from Blackberry Lane.

The site is well screened by mature hedging and tree screening so it is not considered that this would harm the residential amenities of neighbouring properties.

It will not be visible within the street scene and is not out of character and appearance with the surrounding area.

The application is recommended for approval, subject to conditions.

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 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 a neutral impact has 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 1:1250 Drg No MG13-01 dt 7.11.13, Block 1:250 Drg No MG13-02A dt 7.11.13, Floor, South/West Elevations Drg No MG13-03B dt 7.11.13, East & North Elevations Drg No MG13-04B dt 7.11.13 received on 10th June 2014.

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 Building work shall not commence on the garage until the space within the site for stationing vehicles clear of the highway has been surfaced, drained and completed to the satisfaction of the Local Planning Authority in accordance with details approved under BE/44/11/DOC Sheet 2B Condition 5 of planning approval P/29/10.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

4 The materials and finishes of the garage roof hereby permitted shall match in colour and texture those of the host dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

5 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.