

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

REF NO: BN/117/25/HH

LOCATION: 23 Elm Grove  
Barnham  
PO22 0HJ

PROPOSAL: Proposed change of use of existing incidental outbuilding to allow occasional ancillary use.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION As above.

**RELEVANT SITE HISTORY**

|             |                                                               |                                  |
|-------------|---------------------------------------------------------------|----------------------------------|
| BN/45/24/HH | Retrospective application for a single storey rear extension. | ApproveConditionally<br>28-05-24 |
|-------------|---------------------------------------------------------------|----------------------------------|

|             |                                    |                                  |
|-------------|------------------------------------|----------------------------------|
| BN/93/23/HH | Proposed two front dormer windows. | ApproveConditionally<br>13-09-23 |
|-------------|------------------------------------|----------------------------------|

**REPRESENTATIONS**

Barnham & Eastergate Parish Council - No objection however would like to see a condition attached to ensure outbuilding would remain ancillary.

No representation received from nearby occupiers.

**CONSULTATION RESPONSES RECEIVED:**

None.

**POLICY CONTEXT**

Prone to Groundwater Flooding.  
Lidsey Treatment Catchment Area.

**DEVELOPMENT PLAN POLICIES**

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

DDM1 D DM1 Aspects of form and design quality

**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****DESIGN AND VISUAL AMENITY**

This application seeks planning permission for the change of use of the existing incidental outbuilding to allow occasional ancillary use. The outbuilding is to the rear of the property and not visible from the wider area. There is no change to the footprint, the outbuilding would retain the same structure, scale, and materiality, and the proposed use would have no greater impact than already exists. The proposed outbuilding would remain ancillary to the host dwelling, and as such, the proposed use is acceptable in terms of its impact on character and visual amenity.

The proposal is in accordance with the Arun Design Guide (ADG), given that the use would not alter the external visual appearance of the existing structure and is acceptable.

To ensure that the use of the annexe remains ancillary to the host dwelling, a condition is attached to the approval so that the annexe shall not be used as a separate unit of accommodation which could otherwise give rise to an over-intensive use of the site.

The proposed use would not impact the design and visual amenity of both the property and the locality and is in accordance with policy D DM1 of the Arun Local Plan (ALP), and the ADG.

**NEIGHBOURING RESIDENTIAL AMENITY**

There is no additional fenestration proposed as part of this application. As such, it would not result in increased overlooking impacts.

There is no change to the siting or footprint of the outbuilding, as such, the proposal would not result in any overshadowing or overbearing impacts to neighbouring properties.

The proposed development is in accordance with Arun Local Plan policy D DM1.

**DRAINAGE**

The site is within the Lidsey Wastewater Treatment Catchment Area. The area has a history of flooding and any surface water added to this system should be assumed to increase flood risk.

Given that the proposal would not result in an increase in floor area, the proposed development would not increase the chances of flooding elsewhere in the district and the proposal is therefore in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

**SUMMARY**

The proposed development is in accordance 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**

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 not CIL liable.

#### **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 and Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 23 Elm Grove and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 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 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.