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

REF NO: BN/11/19/HH

LOCATION: The Lilies
Yapton Road
Barnham
PO22 0AY

PROPOSAL: Proposed single garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION — The application seeks to construct a garage to the front elevation of the dwelling.

RELEVANT SITE HISTORY

BN/34/07/	Change of use of land to allow the siting of 2 additional static/touring caravans together with the reorganisation of the existing static/touring caravan layout & extension of the permitted season from 8 to 12 months per year.	ApproveConditionally 17-01-08
BN/9/94/CLE	Application for Certificate of Lawfulness of Existing use for use of land for storage of touring, residential and holiday caravans and sale of imported produce from adjacent farm shop.	Part Apprv/Part Refu 10-02-95 **Appeal: Withdrawn 07-02-96**
BN/2/93/CLE	Application for Certificate of Lawfulness for use of land for storage of touring,residential and holiday caravans and sale of imported produce from adjacent farm shop.	Refused 19-08-93

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham and Eastergate Parish Council provided no response.
No representation from nearby occupiers.

CONSULTATIONS

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage) - Standard condition should be applied.

Comments noted, however it is considered in this case that given the extent of the development proposed and that similar outbuildings could be constructed under permitted development that this condition is considered unnecessary.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
A.S.C (adverts)

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
POLICY ES5

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE
The application site is situated outside of the built up area boundary as defined in SPSD2 of the Arun Local Plan. The proposal is for a garage to an existing building within the plot of an existing dwellinghouse. however the proposal is in accordance with CSP1 of the Local Plan as it is in accordance with DDM1 of this plan. Development can be in accordance with CSP1 if it refers to a specific use or type of development that is covered by another policy. In this case the key considerations are deemed to be DDM1 of the Arun Local Plan.

Barnham and Eastergate has a 'made' Neighbourhood Plan with policy ES5 of relevance to the application. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY
The proposed garage is sited around 2m forward of the principal elevation of the dwelling and as a result of the siting, the development will be highly visible from the road by vehicles passing both from the western and eastern elevation.

The proposal retains 8.5m to the front boundary of the property however it is considered when viewed from the road that the development would appear visually prominent.

The development is proposed to stand at 3.8m in height with a pitched roof and constructed of softwood stud walls with cladding and concrete tiles. Whilst materials do not match that of the host dwelling, they

are not considered such that they would appear adversely out of character.

To the west of the property an application for No.38 dwellings was recently approved. The layout of these respect that of the surrounding area with the principal elevation of these dwellings meeting in line with the host dwelling. As such the siting of the garage is considered to appear overly dominant and beyond that of the established development line.

As a result of the siting of the garage, it is deemed to appear incongruous with the pattern of development in the area with no similar detached garage constructions nearby it is considered to give rise to an adverse impact upon the street scene and spatial pattern of the area and in conflict with DDM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY
The garage will be constructed to a width of 4.2m and a depth of 6m. As a result of the siting of the garage forward of the principal elevation it is not considered to appear overbearing or overshadowing upon the neighbouring dwelling at No.46 with approximately 6.5m retained to the western boundary.

The garage is single storey and resultantly the available views would be no different from those that are currently available from the front garden.The development however does not propose any windows to the side elevations and as such is not considered to give rise to any adverse overlooking upon neighbouring amenity.

As a result of the siting and design the proposed garage is not considered to harm neighbouring amenity by way of either overshadowing, overbearing or overlooking and accord with DDM1 (3) of the Arun Local Plan.

SUMMARY
The proposed development is deemed to conflict with the relevant development plan policies and as such is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 Due to the size and position of the garage it appears unduly dominant in the street scene and incongruous to the pattern of development in the area resulting in an unacceptable impact upon the character and appearance of the locality and in conflict with policy DDM1 of the Arun Local Plan and the NPPF.

2 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.