

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

REF NO: BN/128/21/HH

LOCATION: 11 Collins Close
Eastergate
PO20 3JT

PROPOSAL: Erection of rear outbuilding

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a rear outbuilding.

RELEVANT SITE HISTORY

EG/40/18/T	2-3m crown lift, deadwood canopy & remove rubbing branches to 1 No. Beech tree	ApproveConditionally 07-08-18
EG/19/18/T	Reduce crown of 1 No. Beech tree by 2-3m, thin crown by 1-5% & remove rubbing branches that cause decay/disease.	Refused 25-05-18

REPRESENTATIONS

Barnham and Eastergate Parish Council - 'the Committee resolved to submit a no objection response to the application if it is for private use only'.

No representations received from nearby occupiers.

Noted. A condition will be applied requiring the outbuilding to be ancillary to the occupation and enjoyment of 11 Collins Close as a dwelling.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

No comments received from the ADC Tree Officer.

POLICY CONTEXT

Built-Up Area Boundary
Tree Preservation Orders

WSSC Mineral Consultation Areas
 Lidsey Treatment Catchment
 HRA Buffers (SD10) Singleton and Cocking Tunnels SAC (12000m)

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

[Barnham & Eastergate Neighbourhood Plan 2014](#) Quality of design
[POLICY ES5](#)

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

PRINCIPLE

The key policies considered are D DM1 of the Arun Local Plan.

Barnham and Eastergate have a made Neighbourhood Plan with policy ES5 of relevance to the application. The proposal complies with this policy. Barnham and Eastergate have an emerging replacement NP due to be made in January 2022.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

DESIGN AND VISUAL AMENITY

The property is a detached two storey dwelling to the south east corner of Collins Close. It has garage to front (north) and garden to rear (south). The neighbouring properties are no 10 to the north and 12 Collins Close to west. To the east are agricultural fields. To the south are gardens of properties set back onto Cherry Tree Drive. The surrounding area is residential in character.

The proposal is for a rear outbuilding to be used as a cinema room. It will be sited in the rear garden. Due to siting to rear it will not be visible from street scene so will not impact street scene or harm surrounding character of area so complies with policy D DM1 of the Arun Local Plan.

The proposal will have a length of approximately 8.00m and a width of approximately 4.50m. The height to flat roof will be approximately 2.80m. There will be one new window (2 window panes) and one new door to north side. There will be a gap of around 5.80m retained to the north, 0.90m retained to the east, 6.17m retained to the west and 0.50m retained to the rear (south) boundary.

The proposed materials consist of cladding to walls, bitumen felt roof materials, and White PVC windows and door so is acceptable.

Arun recently adopted a Design Guide. It states development should be subservient to the main dwelling and this complies in terms of size and scale. It states new development should respond to and

complement the character and appearance. The proposals could be done under permitted development dependent on the size and materials used.

The development due to its size and scale complies with policy D DM1 of the Arun Local Plan and the Arun Design Guide.

DRAINAGE IMPACT

The proposal is within Lidsey Treatment Catchment Area. However a similar sized outbuilding could have been done under Permitted Development dependent on the size and materials used so it is acceptable.

RESIDENTIAL AMENITY

The proposal will have a length of approximately 8.00m and a width of approximately 4.50m. The height to flat roof will be approximately 2.80m. There will be one new window (2 window panes) and one new door to north side. There will be a gap of around 5.80m retained to the north, 0.90m retained to the east, 6.17m retained to the west and 0.50m retained to the rear (south) boundary.

Due to siting of proposal beyond building line to west, being at single storey, existing boundary fence to west and around 6.17m retained to west boundary there is no adverse harm to overshadowing or overbearing effects to neighbouring property number 12 to west so is acceptable.

Due to a small gap of only 0.50m retained to the rear (south) boundary there is increased risk to overshadowing or overbearing impact to properties to rear (south) however due to properties set back from rear boundary by gardens of around 9.62m there is no adverse impacts on overshadowing or overbearing effects to properties to south so is considered acceptable.

The one new window and one new door to north will not cause harm to overlooking to neighbouring property to north west due to existing boundary fence and gap of around 7.61m to north west boundary so is acceptable.

It is considered due to the size of the outbuilding, the works proposed would not result in a materially adverse impact on the residential amenities of neighbouring properties and comply with D DM1 of the Arun Local Plan.

SUMMARY

The proposed development complies with relevant development plan policies and 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 DWL 02
Proposed Plans DWL 01
Proposed Block Plan DWL 03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 11 Collins Close as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 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 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.
- 5 INFORMATIVE: The site is in 12km of the Singleton and Cocking Tunnel SAC. This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is

planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.