

Recommendation Report for Planning Permission

REF NO: BN/48/22/PL

LOCATION: Stoneyfield Cottages
Eastergate Lane
Eastergate
PO20 3SL

PROPOSAL: Variation of condition imposed under BN/112/21/PL relating to condition 2-plans condition.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks a variation of condition to the plans conditions approved under BN/112/21/PL regarding the design and appearance of the property and the access serving the property.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Hedging and planting to the front and west boundary and a post and rail fence to the east at around 1m in height.
SITE CHARACTERISTICS	The site comprises a grass verge to the eastern end of a row of semi-detached properties. The nearby dwellings are similar in appearance consisting of 2 storeys with gardens to the front and rear.
CHARACTER OF LOCALITY	Largely rural in character with intermittent neighbouring properties of various sizes. Eastergate Lane is a rural road in nature and does not feature footpaths.

RELEVANT SITE HISTORY

BN/112/21/PL	1 No. 4 bed detached dwelling and associated parking and gardens. This application is within CIL Zone 3 and is CIL Liable as a new dwelling. This application is a Departure from the Development Plan.	ApproveConditionally 29-10-21
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An application was approved in October 2021 for 1 dwelling. This application seeks alterations to the plans.

REPRESENTATIONS

Barnham and Eastergate Parish Council initially provided an objection.

- The application appears to impact on the tree root protection zone of the Chestnut tree.
- In addition the Juliet balcony is not in keeping with the area.

This was changed to no objection on the 22.6.22 subject to the plans showing the bike store is relocated.

No representation was received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. The changes to the plans were submitted in line with the parish comments.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS (LHA)

The internal amendments appear minor and do not affect the LHAs original comments for BN/112/21/PL. One point to raise would be the relocation of the access. Generally, vehicle crossovers should be at least 10m from a junction. The access as proposed appears to be approximately 7m from the edge of Eastergate Lane. The proximity of the access to the highway may be exacerbated by the fact the access is somewhat obscured by the hedge line. Whilst the LHA acknowledges this is a privately maintained road, the LHA request the access be relocated at least 10m back from the edge of Eastergate Lane, as to not present a potential hazard from vehicles turning in from the maintained highway.

Additional comments 30/6/22

The applicant has retained the location of the access. However, the laurel hedge to the north of the access is to be shaped to improve visibility. Taking this into consideration, and that the private access road is anticipated to generate a relatively low number of movements, the LHA accepts the amended proposals. The LHA request that the laurel hedge be maintained in perpetuity to ensure visibility does not become obstructed. The LHA does not consider that this proposal would have an unacceptable impact on highway safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
DDM2	D DM2 Internal space standards

[Barnham & Eastergate Neighbourhood Plan 2019](#) Quality of design
[POLICY ES5](#)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The revised Barnham and Eastergate Neighbourhood Development Plan was made on 9/3/22 and its policies are referred to in this report.

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 not have a materially adverse impact on the residential amenities of nearby properties, nor would it have a significant adverse impact upon the established character of the surrounding area.

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The principle of the development has been agreed. It is only the issues relating to amended plans which can be considered. The proposal seeks to vary the plans which relate to the design of the dwelling and the access and were approved under BN/112/21/PL.

The key policies are D DM1 and T SP1 of the Arun Local Plan and the Arun Design Guide.

Barnham and Eastergate have made a made Neighbourhood Plan with policy ES5 of relevance to this application. Policy ES5 of the B&E states 'All new development with the parishes should be of a high-

quality design.

DESIGN AND VISUAL AMENITY

The change to the design includes

- A first floor extension to the side.
- Rear roof extension and Juliet balcony
- Change of roof type of rear extension
- Increase in depth to rear extension by 1m.

The proposal will result in a slight change to the appearance to the dwelling although it largely retains the existing footprint apart from a 1m increase to the rear single storey extension.

The front door will be relocated from the north-west to the north-eastern side. The existing plans demonstrate a side addition to the east forming a bicycle and bin storage area. This will be altered to serve an enlarged hallway and a first floor will be constructed above to enable the staircase to the first floor, with a modest depth of 1.6m. This is well integrated with the host dwelling and appropriate in scale, sitting well below that of the ridge height. The bin and bike storage have been relocated and are largely restricted from view due to the vegetation in place.

To the rear, the roof is currently hipped however a gable roof extension is proposed which matches that to the front to enable an enlarged bedroom. This is well designed and is not visible from the wider area.

To the ground floor, the single storey hipped extension will alter to form a flat roof and the depth will increase by 1m to 3.3m.

The alterations to the dwelling will not result in the dwelling appearing out of character and will have minimal impacts on the character and appearance of the area being subservient and achieving good visual integration with the host dwelling.

The Arun Design Guide provides detailed guidance that will help raise design standards across the district. Section P relates to infill development and states, 'development should emulate the established pattern of building height, scale, plot width,' 'Provide sufficient access to new dwellings' 'Respond positively to the character, appearance and layout of surrounding buildings'. Building Design (Section J) notes new buildings should have a form and character that reflect their setting and reflect the scale of existing buildings in the area, the need to use attractive detailing and high-quality materials and traditional materials will be actively encouraged to reflect the local vernacular of the area. The changes proposed complies with guidance listed.

In terms of design and visual amenity, the proposed alterations to the plans comply with policies D DM1 of the Arun Local Plan, Part P of the Arun Design Guide and ES5 of the NP.

RESIDENTIAL AMENITY

The changes, predominately to the east and rear of the dwelling will not result in adverse harm on amenity with no neighbouring properties to the rear or eastern elevation. To the east, there will be an additional large window, contained within the first-floor addition, although views will overlook the access road and neighbouring field and therefore will not result in harmful overbearing or overlooking.

To the rear, the roof extension will have a depth of 2.65m and height of 2m from the eaves and will not result in overbearing, being a sufficient distance from the closest neighbour. There will be a Juliet balcony to the rear. This does not give rise to overlooking and as a result of the angle and is likely to provide only minimal views over the garden of 14.

The increase in depth to the rear is minor at 1m and with the roof being flat it will result in a reduction to the height. The rear building line does not extend beyond No.14 and the alterations will not result in adverse harm.

The changes proposed do not result in harm upon neighbouring amenity additional to that which has already been approved by way of overbearing, overshadowing, or overlooking and accord with D DM1 of the Arun Local Plan.

HIGHWAY AND PARKING

The application currently has approval for an access to be constructed from a road which runs along the eastern side of the dwelling serving one dwelling.

The proposal re-locates the access further north, positioned to the north-eastern corner of the site. This does not result in the change to the number of spaces provided and retains the ability for vehicles to turn on site.

WSCC have noted that generally, vehicle crossovers should be at least 10m from a junction. The access proposed appears to be approximately 7m from the edge of Eastergate Lane. This will however not result in significant harm on the highway. The road for which the access is onto is a private road and not the main highway at Eastergate Lane. The existing drive only serves Field Place which is the home of the owners of Stoneyfield Nursery. Access for employees and the members of the public visiting is catered for by a separate driveway further to the west. Existing traffic movements are minimal. WSCC have provided no objection although note the hedge should be maintained to ensure acceptable visibility is in place.

The proposal complies with T SP1 of the Arun Local Plan.

SPACE STANDARDS

The change to the internal layout will result in the reduction in the number of bedrooms from 4 to 3.

The internal floor space is slightly enlarged and exceeds the space standards required in compliance with D DM2 of the Plan.

TREES

The trees on site and the position of the dwelling were addressed under the previous application and considered acceptable. The siting of the dwelling remains the same with the depth only extending 1m to the rear elevation and the changes made to the dwelling will not result in harm to trees on site.

The previous application sought to remove 2 trees to enable the access to be constructed. By moving the access these no longer need to be removed.

The trees are not protected nor within a Conservation Area and with no response received from the tree officer, refusal is not justified.

SUMMARY

The development complies with Development plan policies and para 11c of the NPPF and it is recommended that planning permission be granted for this variation application and in accordance with the following conditions and informatives.

These conditions reflect those attached to BN/112/21/PL and have been updated to reflect the development plan and the current proposed plans.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans
 - Site Plan - 01P Rev C
 - Proposed Floor Plans - 02P Rev B
 - Proposed Elevations - 04 Rev E
 - Ecological Appraisal - V1 July 2021

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.
- 2 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission BN/112/21/PL only. The applicant is advised and reminded that the other planning conditions attached to the original planning permission number BN/112/21/PL remain in force and must be complied with.
- 3 INFORMATIVE: The laurel hedge to the east shall be maintained in perpetuity to ensure visibility does not become obstructed.