

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** BN/9/14/**LOCATION:** Holmwood
Park Road
Barnham**PROPOSAL:** Conversion of existing garage/hobbies room outbuilding to elderly relative/guest accommodation**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 0.10 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	North side boundary has hedging approximately 1.8m in height, south side boundary has hedging approximately 1.8m-2m in height, rear has hedging approximately 1.8m-2m in height.
SITE CHARACTERISTICS	Detached two storey dwelling with conservatory on the rear. The outbuilding the subject of this application is sited on the north side boundary. The property and outbuilding are rendered painted cream with tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential comprising detached chalet, two storey and bungalows of various styles and designs.

RELEVANT SITE HISTORY

BN/15/88	Garage and garden buildings (replacing garage and sheds in same position)	ApproveConditionally 13-06-1988
BN/6/89	Small dormer to form bathroom on first floor	ApproveConditionally 17-04-1989
BN/12/92	Replacement double garage and garden buildings	ApproveConditionally 01-06-1992

BN/20/09/	Conservatory to rear of property	ApproveConditionally 11-12-2009
WA/2/83	Proposed bedroom extension alterations of ground floor partitions and 2no bedrooms on new first floor	ApproveConditionally 20-01-1983

REPRESENTATIONS

Representations received:

Barnham Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

Our initial investigations indicate that there are no public surface water sewers in the immediate vicinity of the site to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

We request that should this application receive planning approval an informative is attached to the consent.

Comments on Consultation responses:

Souther Water comments noted

If approved, an informative will be placed on the consent regarding connection to the public sewerage system.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

PDR on BN/12/92 - No windows in north wall of outbuilding.

Area of Special Control for Advertisements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN3](#)
[GEN7](#)

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

Protection of the Countryside
The Form of New Development

D DM4 Extensions & Alterations to Existing
Buildings
D SP1 Design
SD SP1 Sustainable Development
SD SP3 Gaps Between Settlements

PLANNING POLICY GUIDANCE

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 proposal seeks to convert the existing outbuilding to elderly relative/guest accommodation.

The outbuilding is sited on the north side boundary behind the dwelling and is only accessible through the rear garden. It was constructed in 1992 under planning approval BN/12/92 as a hobbies room and workshop and has an area that is used as a laundry room and separate wc. Condition 2 on BN/12/92 states "that no windows or other openings shall be formed in the north wall of the outbuilding". The external alterations are to the front south elevation of the building with the replacement of doors with windows and the internal alterations will comprise a kitchen/lounge, two bedrooms with a separate bathroom with the existing laundry and wc remaining. If approved, a condition will be imposed regarding no windows or other openings to be formed in the north wall of the building.

The outbuilding is not readily visible above the boundary hedging as the site is well screened by dense hedging on all sides. It is not considered that the conversion would be harmful to the character and appearance of the surrounding area, nor would it cause significant harm to the occupants of the neighbouring properties by way of noise disturbance. If approved, a condition will be imposed that the annexe be ancillary to the use of the dwelling and shall not be used as a separate unit of accommodation.

It is therefore recommended that the application be approved, 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: Site, Block, Existing/Proposed Floor, Existing/Proposed South Elevation Drg No 1A dt 13.3.14 received on 17th March 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 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of Holmwood, Park Road, Barnham as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District 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 No windows or other openings shall be formed in the north wall of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the neighbouring property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330

303 0119) or www.southernwater.co.uk.

- 6 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.