

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

REF NO: EG/13/18/HH

LOCATION: The Paddocks
Eastergate Lane
Eastergate
PO20 3SJ

PROPOSAL: Annex accommodation in outbuildings & new carport/garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to convert the existing stables into two units of living accommodation for an elderly relative and for an on-site carer. Both units will have a single double bedroom. The conversion works necessitate the blocking up of a window on the west elevation, blocking up of a window on the south elevation, an additional window on the west elevation, additional window on the east elevation, two new doors on the east elevation, two new doors on the north elevation, a new small 2.9m by 1.3m external store and a new external wall on the east elevation to fully enclose the existing external store area.

The new car port will sit approximately 3m to the east of the stables. It will measure 9m wide, 6m deep and have a pitched roof 4.1m high (2.1m to the eaves). The car port provides two parking spaces open to the front (south) and 1 enclosed space/store on the eastern end.

Both the car port and the alterations to the stables will use timber to the walls and clay tiles to the roof.

SITE AREA

0.37 hectares

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

- * Mature hedging to the west approximately 4-5m high; and
- * 1.8m high timber fence plus mature hedge to the east.

SITE CHARACTERISTICS

Existing two and a half storey detached dwelling with deep rear garden. There is a large off-road gravelled parking area to the front and then a driveway leads down the west side of the house to the rear. The existing L shaped stables building is situated within the rear garden and is constructed from white painted block work, horizontal timbers and clay tiles. Part of the stables building is already in ancillary residential use as an office with internet, sanitation and its own electricity meter.

CHARACTER OF LOCALITY

Rural settlement of residential properties on the north side of

the road are detached properties with semi-detached properties opposite.

RELEVANT SITE HISTORY

EG/5/08/	Construction of double garage to the south of the site	Refused 10-04-08
EG/108/06/	Demolition of existing bungalow and replace with two storey dwelling	ApproveConditionally 12-03-07

Application EG/108/06 granted permission for the redevelopment of the site to facilitate a two storey house in place of a bungalow. The stables are mentioned in the officers report as being present on the site at that time.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Not applicable.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to a foul sewer connection informative and a condition to protect any unrecorded sewers crossing the property.

ADC DRAINAGE ENGINEERS - No objection but request that a drainage condition be imposed.

COMMENTS ON CONSULTATION RESPONSES:

Noted. The drainage condition would be necessary due to the location of the site within the Lidsey Treatment Catchment area. However, the stables building is already existing and the new car port only requires permission because it is marginally (0.1m) higher than the tolerances of permitted development. On this basis, notwithstanding policy ES1 of the Barnham & Eastergate Neighbourhood Development Plan, it would not be reasonable to impose such a condition.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Class C Road;
Advert Control Area;
No Public Sewer; and
Lidsey Catchment Drainage Area.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

Barnham & Eastergate Neighbourhood Plan 2014

POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
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Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
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Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
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Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
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Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
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Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
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Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
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Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES12	Energy efficiency of existing development
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered within 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 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 should be noted that the Schedule 2, Part A, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for the provision within the curtilage of a dwelling of buildings incidental to the enjoyment of that dwelling. This is subject to certain restrictions and having checked these, it is considered that the car port structure would be permitted development were it not for the height at 4.1m (the maximum height for a permitted development outbuilding is 4m).

CONCLUSIONS

PRINCIPLE:

The site is located outside of the built-up area boundary where development is generally considered to be unacceptable in principle. None of the exceptions listed in policy GEN3 of the Arun Local Plan would be applicable to the proposal. The Barnham and Eastergate Neighbourhood Development Plan (BENDP) is a more recent part of the development plan and takes precedence over the 2003 Local Plan policies. BENDP policy H2 allows for the development of small residential developments on infill and redevelopment sites within the two parishes. This does not state that these must be within the built up area boundary. The proposal is considered to be a small residential development and therefore is in accordance with policy H2.

Furthermore, it is considered that the conversion of the annex only seeks to change the way the building is used in connection with an existing dwelling. It is not considered that such a proposal should be prevented on the grounds of being located in the countryside.

CHARACTER, DESIGN, VISUAL AMENITY:

Arun Local Plan Policy GEN7 (ii) states that development should respond positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and that it should also enhance local distinctiveness.

BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development

that reflects the design & character of surroundings.

The proposed alterations to the stables building only increase the built footprint by 3.7m² and this is not considered to be significant. The external changes themselves are not considered to materially alter the character and appearance of the building to such a degree as to make the proposal unacceptable. It should also be noted that only the southern elevation is visible from Eastergate Lane but at a distance of 50m and through a narrow gap formed by the western hedge and the western end of the house. It is not considered that the changes to this part of the building will have a noticeable impact on the street scene.

The proposed car port will not be visible from the street scene. It will be a large structure but if it were 10cm lower, it would qualify as permitted development. The additional 10cm of height is not considered to be so significant as to warrant a refusal on grounds of character or design. It is intended that the car port will be constructed in timber and with a clay tile roof to match the stables building. This is appropriate in a rural area.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the Arun Local Plan and policies ES5, ES6, ES8, H4 and H6 of the BENDP

RESIDENTIAL AMENITY:

Arun Local Plan Policy GEN7 (iv) states that development should not have an unacceptable adverse impact on adjoining occupiers, land, uses or property. Furthermore, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not considered that either of the adjacent properties would be adversely affected by the proposals. The existing high hedge on the western boundary is higher than the stables building and thus prevents any overlooking or loss of light issues. Although the boundary to the east is lower, there is an outbuilding to the rear of the neighbouring property which limits views and the neighbouring dwelling itself is at least 35m away from the stables building and around 38m from the new car port.

It is acknowledged that the habitable conversion of the stables and the erection of the car port may result in an increase in vehicle movements to the rear of the property and that these vehicles will use the existing driveway that runs adjacent to the western boundary. This could therefore result in noise pollution to the occupiers of the adjacent dwelling. However, regard is had to the fact that the driveway is existing and that there is already hardstanding parking adjacent to the stables building. Also that the width & length of the driveway means that vehicles will have to traverse it slowly and will thus be relatively quiet. The existing hedge will also reduce any noise pollution to the adjacent property.

A condition will be imposed to ensure that the residential accommodation will be occupied for ancillary purposes to the main dwelling and therefore not as a separate dwelling. Therefore, control of the accommodation will be retained by the owners of the main dwelling and this should prevent any future harm to the existing occupiers

It is therefore considered that the proposal would be in accordance with policy GEN7 of the Arun Local Plan and the guidance within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). Although both of the 'flats' have double bedrooms, the size of the carers bedroom is 9.9m² whilst that of the elderly

relative is 13.4m². The guidance states that a double bedroom should have a minimum area of 11.5m². Therefore, the requirements are different for the elderly relatives flat (at 50m² for a 1 bedroom, 2 person dwelling) and for the carers flat (at 39m² for a 1 bedroom, 1 person dwelling). However, both of the spaces accord with the guidance with 62m² for the elderly relative flat and 43m² for the carer flat.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, policy H5 of the BENDP does state that proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area.

As it is not intended that the accommodation be occupied separately to the host dwelling, it would not be appropriate to subdivide the existing garden to make private spaces. However, the existing garden itself is large enough to allow shared use by occupants of the new accommodation and the house. It is therefore considered that the proposal complies with policy H5 of the BENDP.

PARKING:

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. It is also necessary to take account of policy GA4 of the BENDP which deals with Parking and states that: "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan"

The new accommodation is intended to be occupied by an elderly relative and a carer and as such is likely to only generate demand for 1 or 2 parking spaces. As a worst case, if two people were to reside in the elderly relative flat, then the parking demand could be as much as 3 spaces. However, there is a large area of hardstanding to the front and the additional space to the rear (the new car port) and it is not considered that the parking demands of the site (the house & the new accommodation) are such, that cars will spill out onto the local road to the detriment of highway safety.

Therefore, the proposal is considered to be in accordance with policy GA4 of the BENDP.

SUMMARY:

The proposed conversion itself is considered to be acceptable on the basis that the stables building will continue to be used in connection with the dwelling in order to accommodate an elderly family member and his/her carer and that this use can be restricted by planning condition such that the proposal does not result in a new dwelling in the countryside. There are no adverse impacts arising from either this or the proposed car port and it is considered that the application complies with all development plan policies. It is therefore recommended that planning permission be granted subject to the following 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 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 plan: 18006-001 Rev B "Existing & Proposed".

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 annex accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the property currently known as The Paddocks, Eastergate Lane as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy GEN7 of the Arun District Local Plan in order to prevent the establishment of additional independent units of accommodation which would give rise to an over-intensive use of the site, lead to an unsatisfactory relationship between independent dwellings and create new dwellings with no private amenity space.

- 4 Should any sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to an existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 5 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.

- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.