

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

REF NO: EG/25/13/

LOCATION: 1 Hall Cottages
Barnham Road
Eastergate

PROPOSAL: Provision of a drop kerb

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposed installation of a vehicular access 4.5m in width.
SITE AREA	Approximately 715 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The Silver Birch tree in the front garden is to be retained.
BOUNDARY TREATMENT	Front has hedging approximately 2m in height, hedging to west side boundary, access road to east side.
SITE CHARACTERISTICS	Detached two storey property with rough rendered walls painted cream, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential road comprising a mixture of detached properties of various styles and designs.

RELEVANT SITE HISTORY

EG/43/00/	2.75m (9') extension to rear of house and internal refurbishment. New entrance porch to front elevation	Approve Conditionally 04-08-2000
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REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection

The Council has considered the application and wishes to object on the grounds that the application will significantly reduce the available laying by and parking on this busy road. This is considered to be an unreasonable loss of public amenity to provide a private amenity.

Comments on Representations received:

Parish Council comments noted

There are various properties along this stretch of road that have vehicular access. County Highway's have raised no objection to the proposal and have commented that it would be of benefit to provide an opportunity to remove a vehicle from the highway in this location.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highway's

The proposed crossover to access the driveway will require visibility splays of 2m for pedestrians, shown on the proposed plans; this will require any proposed planting to be no higher than 0.6m above the ground level and any existing foliage to be maintained in order to safeguard the visibility splay.

Vehicular visibility splays of 2.4m by 43m have been shown on the submitted plan and appear to be achievable. A licence from the WSCC Local Community Highway Officer will be required prior to any access works taking place.

A turn on site would be preferred, clearly though there is insufficient space to achieve this. However, other properties have similar arrangements and balanced against this is the benefit of providing an opportunity to remove a vehicle that could be otherwise parked on the highway in a location where there can be on-street parking by residents of adjoining properties. This would result in a noticeable narrowing of the existing available carriageway space.

If the LPA are minded to approve this application a condition securing the new access, pedestrian and vehicle splays should be included.

Comments on Consultation responses:

Comments noted.

If approved, a condition and informative will be imposed regarding the new access and site licence for the site access works.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class B Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and highway safety.

The Development Plan consists of the Arun District Local Plan 2003 and was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage."

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

PRINCIPLE

The site lies within the built up area boundary where the principle of development is acceptable subject to usual development criteria being met. The dwelling is sited on a main B road with on-street parking and the proposal seeks to create a vehicular access with the provision of a dropped kerb.

VISUAL AMENITY

The dwelling has hedging to the front and part of this hedging will be removed to create a crossover over the existing footway with the provision of a hardstanding to allow for the parking of 2/3 vehicles. The neighbouring properties 3, 4 & 5 all have existing dropped kerbs with vehicular access to the properties. It is not considered that the vehicular access at this point would cause any visual distraction.

EFFECT ON HIGHWAY SAFETY

County Highways have been consulted and have raised no objection on highway safety grounds. If approved, a condition for the visibility splays and an informative regarding a licence from the Community Officer will be imposed on any decision.

SUMMARY

There are other properties within the immediate vicinity that have similar arrangements so it is not considered that this would have an adverse impact on the established character or appearance of the surrounding area. Taking this into account with the removal of vehicles from the highway it will be beneficial and will discourage the parking of vehicles on a busy section of road.

HUMAN RIGHTS ACT

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 1:1250, Existing/Proposed Block 1:200 Drg No DYN 1SP, Details of Access/Dropped kerb 1:100 Drg No DUN2 received on 3rd May 2013.

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 access to the proposed dwelling shall not exceed 4.5m in width and shall be laid out to provide vehicular visibility splays on each side of 2.4m and pedestrian splays of 2m.

No other work shall be carried out on the site until the above-mentioned sight lines and splay lines have been provided and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun

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District Local Plan.

- 4 INFORMATIVE: As the area of ground covered by the hard surface exceeds 5 square metres it shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- 5 INFORMATIVE: The applicant is advised to contact the Coastal Team, Community and Economic Development. Communities and Infrastructure Directorate, Centenary House, Durrington Lane, Durrington, Worthing, West Sussex, BN13 2QB to obtain a license for the site access works.
- 6 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 7 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.