

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

REF NO: EG/47/13/

LOCATION: 1 Spinney Walk
Barnham

PROPOSAL: Replace garage with single storey annexe for elderly relative

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above, to measure approximately 10.3 metres in depth x 5.8 metres in width x 5.9 metres in height.
SITE AREA	Approx. 370 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front and part of the side of property. Garage and brick wall enclosing side and rear boundary, approximately 1.8 metres high.
SITE CHARACTERISTICS	Detached chalet style dwelling, render, UPVC cladding and yellow brick to elevations with a gable pantiled roof with a pantile finish.
CHARACTER OF LOCALITY	Located within a residential area with a mix of property styles, 1 and 2 storeys in height. Open plan layout to the street scene.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection; the visual amenity of the area will be affected by this proposal. The council is reminded that a Planning Development Restriction is in place to protect the open plan nature of the estate. The proposal will result in a loss of parking space in an area considered to be a school safety zone.

1 Letter of Objection:

- No objection to the granny flat only if they intend to extend the garden as this would obstruct vision when coming out of the drive serving 3 Spinney Walk.
- Safety issue if cars are parked on the road along side of fence as this is likely to cause an

accident with pedestrians or cars as it is so close to the road junction.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary

Permitted Development Restriction - Open Plan Layout

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[DEV19](#)

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 application seeks permission for the construction of a granny annexe to the side of the existing dwelling. The proposed annex would replace an existing porch area and garage as well as a part of the rear boundary wall. The site is located in a residential area which is subject to a permitted development restriction to ensure the open plan appearance of the locality is retained.

CHARACTER AND APPEARANCE

The property is located on a corner plot at the junction of Orchard Way and Spinney Walk which is a residential area that has an open plan layout. This principle has been well preserved in the most. When looking northwards from Orchard Way to Spinney Walk, the street scene is open allowing extended views to the north albeit with a conservatory extending close to the footpath on the north-west elevation of 2 Spinney walk.

The proposed extension is to replace the existing garage and porch which are flat roof structures and of no particular merit in terms of their visual impact. The proposed annex extension would be of an increased scale and extend closer to the highway. It is to have a gabled roof and be finished in materials to match the host dwelling, this will result in an extension which is of much greater visual quality than the existing structures and improves the appearance of the street scene. The design and scale of the addition also ensures that it appears visually integrated and subservient to the host dwelling, and its single storey nature and orientation prevents any harm upon residential amenity.

In terms of the impact upon the surrounding area and its open plan appearance, the addition is also considered to be acceptable. Whilst it would result in a larger structure being constructed to the side of the dwelling, it would not have any significant impact upon the layout of the street scene. The extension would have a pitched roof slopping away from the highway from a height of 2.6 metres, set back from the southern elevation and from the footpath by 500 mm at its closest point.

To ensure the annexe remains as intended and to prevent an independent unit of accommodation forming, two conditions are recommended. The first ensures that any occupiers are family members related to occupants of the host dwelling and the second prevents the provision of cooking facilities.

HIGHWAY IMPACT

Concerns have been raised regarding the impact upon highway safety, the proposed extension would not result in hard-standing to the front of the site being removed and therefore a single on-site parking space would be retained as existing. It should be noted that there is an existing

garage to be removed, however upon visiting the site it was clear that this was not large enough to accommodate a car given its width.

With regard to the impact upon highway safety, there are currently no parking restrictions within the vicinity of the property on the public highway; therefore on-street parking is readily available. The impact upon those using the driveway of 3 Spinney walk is noted, however the driveway to this property would be set away from the extension and it would not detract from the visibility of residents leaving the driveway by car.

SUMMARY

In the absence of any harm to visual and residential amenity together with the availability of on and off street parking, it is recommended that the application be approved subject to the conditions set out below controlling both use and appearance.

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 and a private family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 positive impact has been identified upon those people with the following protected characteristics (age).

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:

Drawing No. 65/01 Revision A; 65/02; 65/03; 65/0465/05.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The accommodation hereby permitted shall only be occupied by family members of those residing at 1 Spinney Walk only or for purposes incidental to the occupation and enjoyment of this property as a dwelling and shall not be used as a separate unit of accommodation at anytime.

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.

- 5 No cooking facilities shall be provided within the annexe accommodation at anytime.

Reason: To allow the Council to control this form of development 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 in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 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.