

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

REF NO: EG/69/13/

LOCATION: 1 Abercorn Walk
Old Rectory Drive
Eastergate

PROPOSAL: Garden shed with log store

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a retrospective application for a garden shed and log store on the south side of the house. The shed measures approximately 1.83 in length by 1.22 metres in width. Height to the roof apex is approximately 2 metres. An open-sided log store has been attached to the side of the shed.
SITE AREA	Approximately 585 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The rear garden (which stretches around to the side) is enclosed by a 1.8 metre high timber feather board fencing.
SITE CHARACTERISTICS	The site is occupied by a modern detached two-storey dwelling. There is also a detached garage positioned to the north side.
CHARACTER OF LOCALITY	The site is located within the built-up area on a recently constructed residential cul-de-sac development which consists of a cluster of detached two-storey dwellings which have open frontages and enclosed rear gardens.

RELEVANT SITE HISTORY

EG/52/11/	Erection of 4 no dwellings comprising 3 no four bed dwellings and 1 no five bed dwelling, each with integral or detached double garage, relocation of existing garage, serving The Old Rectory, and provision of new access drive, and re siting of plot 4.	Approved Cond + S106 28-03-2012
EG/43/13/	Single storey rear conservatory	Approve Conditionally 15-10-2013

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designations applicable to the site:

Within built-up area; and
Permitted Development Restriction.

The PD restriction relates to condition 11 of EG/52/11 "No extensions to be constructed, or buildings erected within curtilage of dwellings without permission being granted by the Local Planning Authority"

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#) Built-up Area Boundary
[GEN7](#) The Form of New Development

Publication Version of the
Local Plan - Excluding the
Spatial Portrait, Employment,
Housing Allocations,
Transport, Monitoring and
Implementation sections
(February 2014): D DM1 Aspects of Form and Quality

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 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

Local Plan Policy GEN7 requires that new buildings respond positively to the identified characteristics and resources of the site and the area, respect & enhance local distinctiveness, and do not have an unacceptable adverse impact on adjoining occupiers.

The shed and accompanying log store is a small structure constructed from a similar timber to the existing boundary fence. It is visible from the street but only by the top 0.2m section which includes the felt roof with the rest screened by the existing boundary fence. Notwithstanding, the shed is not considered to have any real impact on the streetscene and it also has no impact on any neighbouring residential properties. It is recommended that 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 approved is to be retained in accordance with the following approved plans: FLOOR PLAN OF SHED AND LOG STORE 1:50; FLOOR PLAN OF SHED, SHOWING OPENINGS 1:50; BLOCK PLAN (with pencil annotations); SHED ELEVATIONS 1:50; SHED DETAILS; AND LOCATION PLAN.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 & DEV19 of the Arun District Local Plan.

- 2 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.