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

REF NO: **EG/76/15/HH**

LOCATION: Manor Farm Cottages
Church Lane
Eastergate

PROPOSAL: Erection of an ancillary annexe - Resubmission of EG/61/15/HH - This application affects the character and appearance of Church Lane (Eastergate) Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Shallow pitched roof detached single storey outbuilding to be located 0.8m off the north west boundary to be used as a residential annexe incidental to Manor Cottages. The annexe has an eaves height of 2.7m and is 3.95m to the ridge. The external walls will be clad with cream cedral weatherboarding and the roof is imitation slate tiles in dark grey.
SITE AREA	0.12 hectares.
TOPOGRAPHY	Site is set up from the side road of School Lane and slopes up from Church Lane.
TREES	None affected by the development.
BOUNDARY TREATMENT	2m boundary fences to north east side boundary and 2m flint wall to north rear boundary. 1.3m wall with 1.8m hedge behind to the west boundary (School Lane) and 1.3m flint and red brick wall to front (south).
SITE CHARACTERISTICS	Hipped roof detached building which was previously two semi-detached cottages. The building has a two storey side extension which includes ground floor double garage and rear extension. Driveway and garden to front and garden to rear.
CHARACTER OF LOCALITY	Semi-rural residential area characterised by a mix of detached and semi-detached two storey dwellings and bungalows set back from the road with gardens to front and rear. The site abuts the Conservation Area. The road and south side of Church Lane is part of the Conservation Area and the street has a traditional character.

RELEVANT SITE HISTORY

EG/39/02/	Extension/Alterations	ApproveConditionally 11-10-2002
EG/98/04/	Conservatory	ApproveConditionally 05-11-2004
EG/61/15/HH	Erection of ancillary annexe. This application affects the character and appearance of Church Lane (Eastergate) Conservation Area	Withdrawn 16-12-2015
EG/28/82	Single storey side extension	ApproveConditionally 07-04-1982

Previous application for similar annexe located to the other side of the rear garden was withdrawn following objections from the Council with regard to its prominent and detrimental siting adjacent to the Conservation Area as it would have been highly visible from School Lane and Church Lane.

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Objection. Maintains objection to the previous application. It is accepted that the re-positioning of the building is an improvement from the point of view of the Conservation Area but it still is out of keeping and unsightly from some positions within the area. The new position would be unneighbourly and the application is an over development of the site. The building is too high and too large.

Second response following amendments:

The council has considered the reduction in roof height but takes the view that the height is still unacceptable in this location. All other objections raised in relation to the previous application are repeated and maintained. It is considered that a condition requiring the removal of the premises as a habitable building when the requirement for a "granny annexe" ceases be applied.

5 letters of objection:-

-detrimental impact on the appearance of the Conservation Area and existing dwelling
-loss of light and overbearing impact on residential amenities of West Lodge and Broadworth Cottage
-loss of wildlife habitats

Comments on Representations received:

The site abuts the Conservation Area. The annexe would not be directly visible from the street scene so would have a very limited impact on the Conservation Area. This view is shared by the Council's Conservation Officer.

The eaves would be 2.7m high and recede away to the ridge which has been amended to 3.95m high. There will be a set off from the boundary of 0.8m and it will be set 3m away from the rear of West Lodge's rear wall and nearest window. The common boundary between West Lodge and the host dwelling angles away to the north west of West Lodge. Even

though West Lodge's ground level is set down from the host dwelling it is not considered that the proposed outbuilding would lead to significant loss of light or visual intrusion to the amenities of West Lodge. An outbuilding of 2.5m high could be constructed right up to the boundary (with no set off), under permitted development. The impact of this proposal would not be significantly different to this. The annexe is not considered to be large enough or close enough to Broadworth Cottage to have a detrimental impact on its residential amenities. The annexe would not be adjacent to its rear amenity space.

No evidence has been provided or noted when the site visit was made to the presence of protected wildlife habitats. The construction of the annexe would lead to loss of wildlife habitats.

It is not considered reasonable to require, by condition, for the annexe to be removed after it ceases to be used by the current applicant's relative. Another relative may require the use of the building for the current occupiers and future occupiers of the main dwelling.

CONSULTATIONS

Engineers (Fluvial Flooding)
Engineering Services Manager
Conservation Officer
Southern Water Planning

Consultations responses received:

CONSERVATION OFFICER

The proposal is a resubmission of a previously unacceptable scheme. A number of concerns were raised, with the most significant one being the location of the structure.

The property is an attractive structure located within a key part of the local area. It appears on historic mapping and as a result is worthy of more detailed assessment during the determination of a planning application.

The age and quality of the property is such that it can be considered as a heritage asset for the purposes of planning policy. A heritage asset is defined as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

The proposal is to construct a standalone structure in the grounds of the property. This structure is to provide additional living accommodation and as a consequence appears to be of a size to allow for a number of facilities to be included within it.

As with the previous application, there are two issues to consider: the design/appearance of the structure and its location within the curtilage of the host property.

It is noted that both the location of the structure and its design have changed. It is considered that the revised location is acceptable, as it does not look as though it can be viewed from the Conservation Area.

The design of the structure has been simplified, but appears to be a formulaic approach. It is a substantial structure, whose impact can be mitigated by successful design/use of quality materials.

DRAINAGE ENGINEER

Soakaways should be investigated for the annexe. Please apply standard conditions ENGD2A.

SOUTHERN WATER

Should permission be recommended please apply standard informative to make applicant aware that permission is needed from Southern Water to connect to the sewer system.

Comments on Consultation responses:

Comments noted.

The dark grey imitation slate roof tiles and cream white weatherboarding are considered to be acceptable because the outbuilding would not be directly visible from the street scene and would take on the appearance of a garden building appropriate within private amenity space.

It is not considered reasonable to add the pre-commencement surface water drainage condition recommended by the Council's Drainage Engineer because an outbuilding with a larger roof area could be built without a planning application.

The Southern Water informative will be added.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary
Lidsey Drainage Catchment Area
Abuts Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D SP1 Design HER DM3 Conservation Areas HER SP1 The Historic Environment SD SP2 Built-Up Area Boundary
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1		Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5		Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6		Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES7		Development affecting heritage assets

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Policies within the Barnham and Eastergate NDP will be considered in this application.

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 residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area and preserve the appearance of the Conservation 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 is within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Local Plan which in this case are considered to be policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

The annexe would have a floor area of a small studio or one bed flat. To prevent the annexe being used as a unit of separate accommodation a condition will be imposed to control the use of the annexe as ancillary to the host dwelling.

DESIGN AND VISUAL AMENITY

The site abuts the Conservation Area but is not within the Conservation Area. The annexe would be to the rear of the dwelling and would not be directly visible from the street scene so would have a very limited impact on the Conservation Area. This view is shared by the Conservation Officer. The dark grey imitation slate roof tiles and cream white weatherboarding are acceptable because the outbuilding would not be directly visible from the street scene and would take on the appearance of a garden building appropriate within private amenity space. The annexe is not overly large and an outbuilding with a larger footprint could be constructed without the need for a planning application. The proposal is acceptable in terms of design and visual amenity and preserves the appearance of the adjacent Conservation Area in compliance with DEV19, GEN7 and AREA2 of the Local Plan and policies ES5, ES6 and ES7 of the Barnham and Eastergate NDP.

IMPACT ON NEIGHBOUR AMENITY

The main property to be effected by the proposal would be West Lodge to the east of the host dwelling. The eaves would be 2.7m high and recedes away to the ridge which has been amended to 3.95m high. There will be a set off from the boundary of 0.8m and it will be set 3m away from the rear of West Lodge's rear wall and nearest window. The common boundary between West Lodge and the host dwelling angles away to the north west of West Lodge. Even though West Lodge's ground level is set down from the host dwelling it is not considered that the outbuilding would lead to significant loss of light or visual intrusion to the amenities of West Lodge. It must be considered that an outbuilding of 2.5m high could be constructed right up to the boundary (with no set off) under permitted development. The impact of this proposal would not be significantly

different to this. The annexe is not considered to be large enough or close enough to Broadworth Cottage to the north to have a detrimental impact on its residential amenities. The annexe would not be adjacent to its direct rear amenity space. Given the site is currently a rear garden of a dwelling, the use of the outbuilding as an annexe is not considered to be significantly detrimental to residential neighbour amenities in term of noise and disturbance from its use. The proposal is considered to be acceptable in terms of impact on neighbour amenity in compliance with Local Plan policies GEN7 and DEV19.

SURFACE WATER DRAINAGE

The site is within the Lidsey Drainage Catchment Area. The Drainage Engineer has requested a pre-commencement drainage investigation condition. It is not considered reasonable to add the condition because an outbuilding with a larger roof area could be built without a planning application.

The application is recommended for conditional approval.

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 of 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 (negative, Neutral or positive) 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 assessment of the proposal is considered to have a neutral impact.

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:

1582.5 Revision 2; 1582.1; 1582.2 Revision 1

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

3 The annexe shall be occupied solely for purposes ancillary to the occupation and enjoyment of Manor Farm Cottages, Church Lane, Eastergate PO20 3UX 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 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.