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

REF NO: **EG/7/13/**

LOCATION: 4 Wandleys Drive
Eastergate

PROPOSAL: Re-construction of garage to side of dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Re-construction of existing garage and cqar port to create a larger garage with boot store with the installation of two roof lights.
SITE AREA	Approximately 787 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway.
SITE CHARACTERISTICS	Detached bungalow with conservatory on rear, attached car port and garage on the western side. The property has reddish/brown brickwork with stone detail on front elevation, tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising detached bungalows of similar style and design.

RELEVANT SITE HISTORY

EG/65/02/	New rear conservatory	Approve Conditionaly 20-12-2002
EG/6/60/N	Bungalow and detached garage	Approve Conditionaly 06-11-1963

REPRESENTATIONS

Representations received:

Eastergate Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water

The applicant has not stated details of the proposed means of disposal of surface water from the site. Our initial investigations indicate that there are no public water sewers in the area to serve this development. Alternative means of draining surface water from this development are required and this should not involve disposal to a public foul sewer.

Comments on Consultation responses:

Comments noted, if approved, an informative will be placed on any approval regarding disposal of surface water.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Area of Special Control for Advertisements
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

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

The detached bungalow is sited within a residential cul-de-sac where it is open plan in character and the neighbouring bungalows are of a similar style and design. The application seeks to alter the existing car port and garage to create a larger garage with boot area to the rear.

The existing car port and flat roof garage is set back from the front of the dwelling and the proposed alterations to create a larger garage will be set back from the front flank wall of the dwelling by approximately 0.9m. The height will be no higher than the existing garage which is 2.6m and the new brickwork will match the existing with the garage door being repositioned and replaced by a larger version. To allow for additional light into the garage two roof lights are proposed and these will be installed in the middle of the flat roof area.

With regard to residential amenity the neighbouring property to the west No 5 has a garage that is sited to the boundary with the proposal so it is not considered that this would impact upon the residential amenities of the occupiers of this property by way of loss of outlook.

The proposed alterations are considered to be of a minor nature that are visually subservient to the host building. Although visible within the street scene the proposal is not considered to harm the character and appearance of the surrounding residential area.

It is therefore recommended that the application be approved, subject to conditions.

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/Block/Roof Drg No 13/C02/2, Floor/Elevations Drg No 13/C02/1a received on 1st February 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 materials and finishes of the external walls of the garage hereby permitted shall match in colour and texture those of the existing building.

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

4 INFORMATIVE: Southern Water have advised that an alternative means of draining surface water from this development is required which should not involve disposal to a public foul sewer. If you have any queries please contact Developer Services, Atkins Limited on 01962-810296 or www.atkinsglobal.com

5 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, DEV19

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.

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.