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

REF NO: **EG/96/14/HH**

LOCATION: 90 Barnham Road
Eastergate

PROPOSAL: Detached garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The erection of a detached double garage forward of the primary elevation.
SITE AREA	Approximately 1548 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site features a brick built wall approximately 1.8 metres in height with a split 1.2 metre high split rail fence and 1.5 metre high hedging.
SITE CHARACTERISTICS	The property is a detached dwelling with red tile hanging at first floor level and a brown tiled roof.
CHARACTER OF LOCALITY	The immediate locality of the site is predominantly residential consisting of detached dwellings of a similar style and design located in large plots.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:
No Comments.

2 x Letters of Objection.
- The construction of the garage would be in conflict with the covenants present upon the site.
- Loss of a safe turning circle.
- Loss of Amenity Space.
- Highway concerns due to the loss of roundabout.

Comments on Representations received:
Covenants do not constitute a material planning consideration and as such their presence

cannot be taken into account in the determination of this application. Should approval be granted for the development then the covenant would need to be enforced privately. The proposal would require the removal of the grassed area and as such this would provide adequate space to allow vehicles to turn, therefore it is not considered that the proposal would pose a risk to the safe use of the highway.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water:-
Southern Water has no objection for the above proposal.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of the soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came into force on the 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgate, Otterbourne, Hampshire, SO21 2SW (TEL: 0330 303 0119) or www.sothernwater.co.uk.

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan
Class B Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5		Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6		Contribution to local character

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. The Barnham & Eastergate Neighbourhood plan have been made and as such will be considered in the determination of 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 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 is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policy GEN7. GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area.

Policies ES5 and ES6 of the Barnham and Eastergate Neighbourhood Plan have been considered in relation to this application. ES5 seeks to ensure high quality design, whilst ES6 seeks for new development to contribute positively to the character of the two villages.

DESIGN AND VISUAL AMENITY

This application seeks permission for a single storey detached double garage forward of the primary elevation. However, due to the location of the garage it will have a limited impact upon the street scene as it is located upon the shared driveway of 88 & 90 Barnham Road and set back from the road

The proposed garage in terms of its design and location is deemed to be in keeping with the existing character of the area and does not adversely impact upon the existing buildings in terms of siting, design, form and scale. Therefore, the design of the proposal is deemed to be in accordance with policy GEN7 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed detached double garage is to be located forward of the front boundary of the property upon the existing roadway. In order to allow access to the garage the existing grassed area will need to be removed and tarmacadam installed. This will provide adequate turning space for vehicles accessing the properties upon the driveway.

CONCLUSION

Therefore, subject to the following conditions this application is recommended for 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 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 no impacts have been identified upon any protected characteristics.

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 plan:- Proposed Detached Garage Roof Plan, Floor Plan and Elevations.

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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 The detached double garage hereby approved shall be used solely for the storage of household items and vehicles associated with the occupation of 90 Barnham Road.

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

5 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.