

**Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 03-08-2021**

REF NO: EP/16/21/PL

LOCATION: Land East
of 1 The Way
East Preston

PROPOSAL: Replacement garage. This site is in CIL Zone 4 (Zero Rated) as other development.

Following the deferral of the application at the Committee of 21st July 2021 a subsequent site visit took place attended by Councillors and the Group Head of Planning. Members viewed the site and the local area.

REPORT UPDATE

Application No: EP/16/21/PL

Reason for the Update / Changes

Reason for update: Condition three of this application has been amended to say the proposed garage shall be occupied solely for purposes ancillary to the occupation and enjoyment of Chance Cottage as a dwelling and shall not be used as a separate unit of accommodation

Note: The changes to condition show under Officers Recommendation at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: EP/16/21/PL

LOCATION: Land East
of 1 The Way
East Preston
BN16 1QJ

PROPOSAL: Replacement garage. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks to replace an existing garage and erect an outbuilding. The use of materials that will be used to construct this garage will be similar to what is existing. The walls will be face brickwork render and the roof will be clay tiles. The proposed building has a height of 5.44m which is a 0.7m increase from the existing garage and width of 5.1m.

At the side elevation, two windows will be located within the roof on the first floor at this elevation. Two windows will be located at this elevation on the first floor within the roof and one door will be located on the ground floor. The first floor will be used for associated household storage including water sports equipment.

The existing garage has a height of 4.72m and length of 4.94m.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The application site is bordered by a mixture of fencing and foliage.

SITE CHARACTERISTICS

At present, the site is populated by a dilapidated garage which has been empty for a number of years.

CHARACTER OF LOCALITY

The area is host to a wide variety of dwelling styles, types and sizes.

REPRESENTATIONS

Parish Council - Objection. Proposal would be overbearing, the scale and mass is significant and the proposal conflicts Policy 1 of the East Preston Development Neighbourhood Plan.

Parish Council - Objection after re-advertisement stating - None of its previous objections have been addressed and therefore they all still stand.

One letter of support:

- The development of the site is necessary, the proposed garage will be in-keeping with the area and the proposal of a garage will stop overdevelopment in the future.

Four letters of objection from nearby occupiers:

- The elevation of the garage is out of character with the area. The window on the south elevation will result in a loss of privacy to the residential garden at the southern boundary.
- The new garage will overpower existing neighbouring properties and conflicts with policy D DM1 of the Arun Local Plan which states development should reflect the character of the area.
- The proposal conflicts with Policy 2 of the East Preston Neighbourhood Development Plan which states development should preserve the street scene, this development transforms the street scene.
- The height of the gable frontage is significantly higher than existing. The door on the west elevation would require access to the road resulting in hard standing.
- Concerns on the drainage ditch.
- The front elevation is disproportionately high for the street scene and is too close to the road to be either practical or in keeping. The west side access door will require hard stand too close to the drainage ditch and in contravention of Arun drainage guidance. The building proposed is not a 'replacement garage' as claimed but a two storey building with mixed use likely on the second storey.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted, the comments raised will be addressed within the conclusion section.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework
NPPDG	National Design Guide

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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."

Section 70(2) of TCPA provides that:-

- (6) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposal is considered to comply with relevant Development Plan policies in that it is not considered to have any significantly harmful impact upon the character of the locality or the residential amenities of the neighbouring dwellings.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 1 and 2 of the East Preston Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene, and resist any increases in density that would alter this character. It also seeks to avoid apartment block development, and protect the view from the beach.

Further guidance is contained in section J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and within the settlement character areas identified in section C.06 of the design guide.

DESIGN AND VISUAL AMENITY

The proposed outbuilding replaces the existing garage and although the scale of the development is larger such as the length, the proposal does not result in a significant harmful impact to the neighbours of at 1 and 5 The Way.

The materials which are used to construct this proposal are similar to those used on the existing garage, therefore allowing the garage to be well-integrated with the area.

The Design Guide does not outline any issues which the proposed garage replacement could lead to. Therefore, this results in the proposal being acceptable in terms of design. Therefore, the proposal will be in accordance with policy D DM1 of the Arun Local Plan and policies 1 & 2 of the East Preston Neighbourhood Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed garage has a significant boundary at the north of 18.09m and 3.73m at the western boundary.

The windows which are located at the side east and west elevations on the first floor do not result in any harmful overlooking to the neighbours due to the significant boundaries and removal of the dormer which leads to a reduced overlooking impact. They are also rooflights that are located very high in the roof slope and will afford daylight with no opportunity for overlooking.

The elevations are not going to provide any harmful overlooking to private amenity spaces. The windows on the side (west and east) elevation are not going to result in any harmful overlooking or overbearing impacts to the neighbours. This is due to the removal of the dormer and the boundary of these side elevations which is 3.73m at the west which looks to 5 The Way.

The proposed development is in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to 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 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:

- Location, block, existing and proposed floor and elevations plans 1241.01.h

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Chance Cottage as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM4 of the Arun 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 No windows (other than those shown on the plans hereby approved) shall be constructed in

the east or west elevation of the building hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM4 of the Arun Local Plan.

- 5 **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 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.