

Recommendation Report for Planning Permission

REF NO: EP/172/21/PL

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

PROPOSAL: Amendments to previous approval EP/16/21/PL to include 1 No. dormer window on West Elevation and hip roof on front elevation. This application is in CIL Zone 4 and is not CIL liable 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, a width of 4.5m and a length of 11.4m The existing garage has a height of 4.72m , a length of 6.9m and a width of 4.5m. This is a resubmission of EP/16/21/PL and seeks amendments including the installation of a small dormer to the western elevation to enable the repositioning of the internal stairs, an additional rooflight to the eastern elevation and the alteration of the gable end to the southern elevation to be a barn-end.
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.

RELEVANT SITE HISTORY

EP/16/21/PL	Replacement garage. This site in in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 08-09-21
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REPRESENTATIONS

Parish Council - No Objection

One letter of objection:

- The garage will be located within 1m of a ditch, concerns relating to the free flow of water and potential flooding.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Engineers - The applicant is strongly urged to contact us to discuss this matter, whereby the proximity of the garage to the ditch can be discussed further, as well as other known factors relating to the ditch. This includes;

1. A section of ditch which had been covered over with concrete planks.
2. A significant lack of maintenance to the ditch is apparent.
3. A trash screen which is currently unfit for purpose.

In order to protect to the ditch, please apply standard condition PCENG3 and informative INFORM2.

COMMENTS ON CONSULTATION RESPONSES:

The Agent has been in discussion with ADC Engineers, they have agreed to undertake a Land Drainage Consent following this application which will included the control of concrete planks to the north of site, replacement of a trash screen to southern boundary and vegetation shall be cleared.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[East Preston Neighbourhood Plan 2014 Policy 1](#)

Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 2

Design in Character Area One

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.

With the replacement of the southern gable-end with a barn-end roof construction, the bulk of the roof is reduced this is considered an improvement to the garage's impact on the area and is complies with Policy 2 of the East Preston Neighbourhood Plan.

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, their sills will be set at 1.7m above finished floor level and views out will be above normal head height. A small dormer has been inserted into the eastern elevation, it has a minimal opening size, it has been designed to be non-opening and obscure glazed to protect the privacy of No 1 The Way, therefore, no adverse effects will arise from its inclusion.

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.

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

DRAINAGE

It has been brought to our attention that the proposed structure will be built in close proximity to a drainage ditch. Concerns have been raised relating to its potential obstruction. Comments from ADC Engineers have indicated that the Applicant will need to enter into an agreement with the authority to

ensure future maintenance and bylaws are adhered with. The Agent has proactively contacted our Engineers which has resulted in schedule proposed works, including removal of vegetation, removal of concrete planks covering the ditch and replacement of a trash screen to ensure the proposed structure does not increase flood risk to the area. Rather than apply a standard condition relating to approval of further details in the relation to these works, I am satisfied that an email from the Agent dated 16th February suffices and that the Land Drainage Consent required following this application and the email inclusion within the plans condition, will control this. The proposed development complies with policies W DM1, W DM2 and W DM3 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.i

- 3x digital images
- Topographical Plan (drainage details) 1241.02.b

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.

- 6 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

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