

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

REF NO: EP/52/19/HH

LOCATION: Pine Lodge
Kingston Lane
East Preston
BN16 1RP

PROPOSAL: Remove existing chalet & erection of new two bay open carport with ancillary space above for storage & occasional visitor accommodation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish the existing chalet and replace with a two storey carport, with accommodation above.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council
Parish Council - No objection.

East Preston & Kingston Preservation Society - Objection.

- The proposed building represents a two storey building between existing houses.
- The construction of the building would significantly alter the appearance of the area.
- The proposal is in an Area of Character, the area is characterised by low density and spacious development.
- The introduction of a building closer to the road than existing houses would adversely affect the 'green' street scene.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Area of Special Character

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM4	HER DM4 Areas of Special Character

SDSP2 SD SP2 Built-up Area Boundary

[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:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and HER DM4 of the Arun Local Plan. Additionally, Policies 1 & 2 of the East Preston Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local 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 HER DM4 of the Arun Local Plan relates to applications within Areas of Character. Proposals will be granted subject to the retention of buildings and other features which make positive contributions to the special character of the area, maintenance of an appropriate mix of uses, and where possible, enhance the special character of the area.

DESIGN AND VISUAL AMENITY

The application seeks to construct a carport, with accommodation above. This is largely open plan at ground floor level, with closed accommodation above. The Eastern elevation is host to a staircase, with a balcony on the Western side. The site is within an Area of Special Character, however, it is on the outskirts of this area. This area is characterised by dwellings of individual designs. The area is attractively landscaped, with mature planting predominating. There is a regular building line, and space between buildings is an important feature. The proposed development is not considered to conflict with HER DM4 of the Arun Local Plan, in that the proposed building is not considered to have any significant impact upon the Area of Special Character. The section of road that the application site is located on is not considered to have a 'regular building line', in that the siting of dwellings within their plot varies in this section of road, ending at the East-West road of Elm Avenue. It is not considered that the building would fill an existing spatial gap, in that the mature foliage screens the proposal from having any significant impact upon the street scene.

The proposed development is not considered to have any significantly harmful impact on the established character of the locality, or that of the host dwelling. This is largely as a result of its design, and materials. The application site is bordered by mature foliage, which is considered to mitigate any significant impact of the building upon the street scene, or the area, in that there will be very few available views of said building. The proposed materials are considered to resonate with the semi-rural character of the area, as referenced in the Area of Special Character statement. However, further details of the materials used to clad the building, and used in the construction of the staircase will be conditioned. The proposed development is considered to be in accordance with D DM1 of the Arun Local

Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to have any significant impact upon the residential amenities of neighbouring dwellings. This is primarily as a result of its siting, the aspect of the development, and the resultant separation distance of the proposal from occupiers of adjacent dwellings. The proposed development features openings on its Northern, Eastern and Western sides. The Northern views are within the application site, which is similar to the Eastern views, which includes views of the street scene also. It is noted that the proposed balcony would have potential to cause overlooking as a result of its siting on the Western side, however, as a result of the orientation of this building, it is considered that any views towards the adjacent property would be oblique. Additionally, there is significant mature foliage along the Southern boundary of the site, which would reduce any significant unneighbourly impact. The proposed development is considered to be in accordance with D DM1(3) 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 the following 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

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 Plan and Plot - 13751/02 - 30/04/2019
- Proposed Plan and Elevations - 13751/01 - 30/04/2019

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for cladding of the external walls, and all materials used for the stairs, 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 D DM1 of the Arun Local Plan.

- 4 Within 3 months of the date of this decision, a landscaping scheme, shall be submitted to, and approved by the Local Planning Authority. The details agreed shall be implemented in the first planting season and any trees or plants which within a period of 5 years of planting die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: For the avoidance of doubt and in the interests of amenity and the character of the locality in accordance with policy D DM1 and HER 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.