

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

REF NO: EP/56/20/HH

LOCATION: 2 Golden Avenue
East Preston
BN16 1QZ

PROPOSAL: New garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a garage.
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RELEVANT SITE HISTORY

EP/9/16/HH	Removal of Leylandi hedge from front boundary & replace with wooden closeboard fence.	ApproveConditionally 14-03-16
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REPRESENTATIONS

Parish Council - Objection.

- The proposal will have a harmful impact upon the street scene and the Area of Special Character.
- The proposal has a bulky appearance and a significant scale.

East Preston & Kingston Preservation Society - Objection.

- The proposal is of a large scale.
- The proposal would dominate the street scene.
- The proposal would occupy a significant portion of the plot.
- The proposal compromises the spatial pattern of the locality.

No representations received from occupiers of nearby dwellings.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within 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

HERDM4 HER DM4 Areas of Special Character

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

Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 4

Design in Character Area Three

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are deemed to be D DM1 and HER DM4 of the Arun Local Plan. Additionally, Policy 1 and 4 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 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 character of the area.

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 4 of the East Preston Neighbourhood Development Plan seeks to ensure that development within Design Area 3 sustains and enhances that historic character of the area, through the use of building materials that harmonise with the existing building. Also, it seeks to preserve boundary walls, and restrict and control the construction of apartment blocks.

DESIGN AND VISUAL AMENITY

The proposed garage measures 14.8m long, 5.5m deep and 2.65m high. This is in order to allow for two garage doors, and a pedestrian access. The garage is sited along the Northern border of the application site, of which is bordered by fencing at approximately 1.8m high. As such, the proposal will be visible within the street scene of North Lane at a length of 14.8m, this is considered to have significantly harmful impact upon the character of the area. Furthermore, the area is classified as an Area of Character, characterised by low density and spaciousness, therefore, to introduce an intrusive, overly dominant structure into the street scene would result in detrimental harm.

The application is considered to be in direct conflict with D DM1 and HER DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overshadowing or overbearing impact upon the occupiers of neighbouring dwellings. This is due to the siting of the garage allowing a significant separation distance from neighbouring dwellings. Furthermore, with regard for potential for loss of privacy, the single storey nature of the garage is considered to mean the garage provides no views of which are currently unavailable from the host dwelling at current.

The application is considered to accord with D DM1(3) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to conflict with relevant development plan policies and as such is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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**REFUSE**

- 1 The proposed building has a significantly harmful impact upon the character of the street scene, and the wider locality, due to its bulky appearance and significant scale as a result of its siting. The proposals conflict with D DM1 and HER DM4 of the Arun Local Plan, and Policy 1 of the East Preston Neighbourhood Development Plan.
- 2 **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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.