

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

**REF NO:** EP/62/17/HH

**LOCATION:** Vedley  
18 The Nookery  
East Preston

**PROPOSAL:** Double car port

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

It would be 6 metres in width and 5.15 metres in depth with an eaves height of 2.15 metres and a ridge height of 4 metres. The proposed structure would be open fronted with close boarded timber walls and a red clay tiled roof.

**SITE AREA**

530 sq.m.

**TOPOGRAPHY**

Predominantly flat

**TREES**

None of any significance affected by the proposed development.

**BOUNDARY TREATMENT**

Open to the front roadway, 2 metre close boarded fence behind the site of the proposed garage.

**SITE CHARACTERISTICS**

A 2 storey detached property located at the end of a cul de sac. The property has a large front garden containing a driveway and car parking on hardstanding.

**CHARACTER OF LOCALITY**

A residential area in East Preston.

**RELEVANT SITE HISTORY**

None relevant.

**REPRESENTATIONS**

**Representations received:**

East Preston Parish Council

Objection - Proposal is to build on verge land contrary to East Preston Neighbourhood Plan.

East Preston and Kingston Preservation Society - Objection

Land covered by a covenant preventing building on it.

Loss of visual amenity as the area formerly a shrubbery.

Breach of East Preston Neighbourhood Plan Policy 1 stating that residential properties should retain open spaces and roadside verges.

Hardsurface compromises this policy

Contrary to policy GEN 7 as it does not respect and enhance local distinctiveness,

Letter of support from applicant  
Covenants on land no longer exists  
Area of land is already in use for parking.

**Comments on Representations received:**

Covenants are not a planning consideration.

The area of land is under the ownership of the applicant who has signed certificate A of the application stating so. The area of land therefore cannot be considered form part of the highway verge nor is it amenity land or an incidental open space.

**CONSULTATIONS**

**Consultations responses received:**

None.

**Comments on Consultation responses:**

N/a

**POLICY CONTEXT**

Designation applicable to site:  
ADOPTED LOC PLN  
PD RESTRICTION

**DEVELOPMENT PLAN POLICIES**

[Arun District Local Plan 2003:](#) GEN2  
GEN7

Built-up Area Boundary  
The Form of New Development  
D DM1 Aspects of Form and Design  
Quality  
D DM4 Extensions and Alterations to  
Existing Buildings (residential and non-  
residential)  
SD SP2 Built-Up Area Boundary

[Publication Version of the Local  
Plan \(October 2014\):](#)

[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

**SUPPLEMENTARY POLICY GUIDANCE**

EPDS East Preston Village Design Statement

**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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst

Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies EP1 and EP2 of East Preston Neighbourhood Plan are considered relevant to this application.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

##### **PLANNING**

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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 are contained within the Arun District Local Plan and East Preston Neighbourhood Plan which in this case are policies GEN7 (ADLP) and 1 and 2 (EPNP).

##### **DESIGN AND VISUAL AMENITY**

The proposed car port is located prominently in the street scene in that it is visually punctuates the end of the street and is visible on entering the Nookery, a cul de sac of approximately 120 metres in length.

Currently the area is laid to hardstanding and used for parking.

Whilst the car port would screen the view of parked cars with a relatively attractive oak beamed and clay tiled car port with close boarded timber walls it would form a visually prominent structure located in a position that is forward of all the property site frontages in The Nookery and visually dominant in the street scene. The surrounding area is landscaped gardens and the structure would appear at odds with the verdant area which is devoid of structures beyond the front elevations of the properties fronting The Nookery.

The proposal is therefore considered contrary to policy GEN7(ii) the Arun District Local Plan, policy 1 and Policy 2 of the East Preston Neighbourhood Plan and the East Preston Village Design Statement.

##### **RESIDENTIAL AMENITY**

The proposed car port would not have any windows or apertures in the walls or roof overlooking neighbouring properties. It would be separated by 15 metres from the rear elevation of the nearest property 6 Nursery Close, with an intervening 2 metre close boarded fence.

As a result of the above the proposed extension are not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and as such is considered to comply with policy GEN7(iv) of the Arun District Local Plan.

## **SUMMARY**

The proposed car port is considered to be contrary to the relevant development plan policy and is therefore 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) 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**

### **REFUSE**

- 1 Given its size and siting the proposed car port would form a prominent and obtrusive structure in the street scene which would be detrimental to the visual amenities and character of the area in conflict with policy GEN7 of the Arun District Local Plan and policies 1 and 2 of East Preston Neighbourhood 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 for the refusal, approval has not been possible.