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

REF NO: EP/64/25/HH

LOCATION: 4 Beechlands Close
East Preston
BN16 1JT

PROPOSAL: Demolition of existing single garage and construction of double garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

EP/101/22/PL	1 No dwelling house (resubmission following EP/157/21/PL). This application is in CIL Zone 4 and is CIL Liable as new dwelling.	Refused 20-10-22 **Appeal: Dismissed 03-07-23**
EP/58/22/PL	1 No. one bed bungalow. This application is in CIL Zone 4 and is CIL liable as new dwelling.	
EP/157/21/PL	Erection of 1 No 2 bed, 3 person dwelling (resubmission following EP/69/21/PL). This site is in CIL Zone 4 and is CIL liable as new dwelling.	Refused 20-01-22 **Appeal: Dismissed 09-03-23**
EP/69/21/PL	1 No. 3-bed bungalow (resubmission following EP/10/21/PL). This site is in CIL Zone 4 & is CIL Liable as new dwelling.	Refused 02-08-21
EP/10/21/PL	Demolition of an existing garage & erection of 2 No. 2 bed dwellings (resubmission following EP/115/20/PL). This site is in CIL Zone 4 and is CIL Liable as dwellings.	Refused 25-03-21 **Appeal: Dismissed 18-02-22**
EP/115/20/PL	Side extension, loft conversion & detached garage to existing dwelling & erection of 2 No semi detached houses. This site is in CIL Zone 4 & is CIL Liable as new dwellings.	Refused 27-11-20

REPRESENTATIONS

East Preston Parish Council - No objection but suggest adding a condition to any Planning Permission granted to ensure the building is only used as ancillary to the occupation and enjoyment of 4 Beechlands Close as a dwelling and shall not be used as a separate unit of accommodation in perpetuity.

East Preston & Kingston Preservation Society - No objection. Do not object to the garage or its materials but concerned at its size and siting. Suggest a condition to be added that specifies that the new garage would be solely used in perpetuity for purposes ancillary to the occupation and enjoyment of no.4, Beechlands Close.

Six letters of objection have been received from nearby occupiers.
- Recommend a Deed of Variation if the current application is successful and request that it is accepted by the Freeholders prior to any work commencing. Request a copy of this to be posted on the boundary of the land
so residents can be made aware or that the Freeholder advises the leaseholders of Beechlands Court.
- Limit the use of this proposed garage to garage use only and any change of use to residential should be prevented.
- Any access required by buildings or delivery vehicles in relation to the garage, should only be allowed via Beechlands Close and not Beechlands Court.
- Should permission be granted, it should be for garage and non-residential use only, with height restrictions to 2.5m maximum.
- The garage should be constrained as only a garage and not allowed a change of use to a property accessible from Beechlands Court.
- Proposed in an already congested area.
- Request that all building work is done at Beechlands Close and does not involve Montpelier Rd, a small dead-end road that is already congested with parked cars.
- No indication of sizes of the garage on the plans.
- No indication how the large garage is going to be built, considering that there is an approximate 3-foot drop in land between the bungalow and garden of the flat.

A letter has been received from nearby occupier which highlights some key points with regard to the site and its surroundings. The points have been considered while assessing the application and a summary of the points have been noted below -
- The site spans over two separately registered lands.
- The existing street scene fails to document that the plot borders the highway and has a 1m high fence.
- Seek to clarify if any amendments to the site boundary fence is proposed.

Comments noted and addressed in the conclusion section. The proposed garage hereby permitted would be conditioned to be occupied solely for purposes ancillary to the occupation and enjoyment of '4 Beechlands Close' as a dwelling and shall not be used as a separate unit of accommodation. It is noted that objections have been received in relation to any access to the garage via Beechlands Court. The proposal seeks to widen the existing driveway accessed via Beechlands Close, and no new access is proposed.

There are no alterations proposed to existing fence as part of this application and therefore, this will not be considered. The agent has confirmed that the red line submitted as part of this application accurately represents the site boundary.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Within an area with potentially high groundwater levels.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

	DDM1	D DM1 Aspects of form and design quality
East Preston Neighbourhood Plan 2014 Policy 1		Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3		Design in Character Area Two

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

CONCLUSIONS

SITE HISTORY

A series of applications between 2020 and 2022 were refused planning permission for different schemes of works, including the construction of a single or two new dwellings, sited in a similar location to the currently proposed garage. Several of the previous refusals were subsequently dismissed at appeal.

It is noted that the current proposal seeks planning permission for the construction of an ancillary double garage, and does not seek to subdivide the application site, nor construct a new dwelling. The proposed garage is of a smaller footprint when compared to the previously refused dwellings, and would be single storey in nature. The garage would also utilise the existing access via Beechlands Close.

DESIGN AND VISUAL AMENITY

The site is a detached bungalow with an existing detached single storey garage to the east. The application seeks planning permission for the construction of a detached double garage, following the demolition of existing single garage. The works would be visible along the street scenes of Beechlands Close and Beechlands Court, and would have an impact on the character of the area.

4 Beechlands Close is a detached bungalow and the site is an irregular shaped parcel of land occupying a position beside a pedestrian path between Beechlands Close and Beechlands Court. It is noted that the rear part of the application site previously provided amenity space for a flat along Beechlands Court. There is an existing single storey detached garage to the east of the dwelling, measuring approx. 4.5m deep and 2.7m wide, with a flat roof measuring 2.6m in height. This structure is set back approx.10.1m from front boundary of the application site. There is a buffer between the road and existing garage, which aids the screening of this garage in the street scene to an extent.

The proposal seeks the construction of a detached double garage, following the demolition of the existing

smaller garage. The proposed garage would be significantly larger (compared to the existing garage) in footprint and scale. The proposed garage would measure 8.1m in depth by approx. 7.3m in width. The garage would feature a pitched room form with a maximum height of 4.4m and an eaves height of 2.2m. Two garage doors and a pedestrian door are proposed to the south (front) elevation and a window is proposed within the northern elevation of the garage to the rear. The materials proposed for the construction of the new garage are facing brick for the walls and the roof would have a profiled tile finish; the materials would match that of the existing dwelling. The proposed garage would be visible from the street scenes of Beechlands Close and Beechlands Court and the garage is unquestionably more substantial than the existing, however, given the single storey nature of the garage, that it would be set back from the front and rear boundaries of the application site and the existing variation within the street scene of Beechlands Close and Beechlands Court, the proposed garage would not result in a significant adverse impact on the character and appearance of the surrounding area.

It was stated by the Inspector in the appeal decision (Appeal Ref: APP/C3810/W/22/3311814) that a two -storey development would reduce the sense of openness and the skyline between Beechlands Close and Beechlands Court. However, the works proposed within this application would be a single storey development and would partly replace an existing garage on site. It is acknowledged that the pitched roof form of the garage would have some impact on the open character of the site given its scale and height. The impact would be limited given that the garage would be set in approx. 5.8m from the neighbouring flats to the west (side). Additionally, it is noted that the plans indicate that the access to the garage would be via Beechlands Close. This would further limit any negative impact to the dead-end road of Beechlands Court in terms of overcrowding. It is also noted that the materials of the proposed garage would match that of the existing and would help integrate the dwelling and the garage as part of one site.

Notwithstanding the above, given the footprint and scale of the garage, it is reasonable to attach a condition to this planning permission to ensure that the garage would remain ancillary to the host dwelling (4 Beechlands Close), and would not be used as a separate residential unit at any time.

In summary, given the siting and single storey nature of the proposed garage, the proposal would not adversely impact the visual amenity, or the character of the area. The proposed development is in accordance with policies D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY
Part M of the ADG states householder extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows.

The garage would be set in 5.8m from the western (side) boundary and a minimum of 1.9m from the northern (rear) boundary. As a result of its siting and single storey nature, the proposed garage would not result in any overbearing, or overshadowing impacts to residential amenity.

The garage doors proposed within the front elevation would face Beechlands Close and would not result in any overlooking. The window proposed along the northern (rear) elevation would be set in from the rear site boundary by a minimum of 1.9m, and given the ground floor siting of this window and that the neighbouring properties to the north are separated from the application site by the highway, the proposed window would not result in any overlooking.

The proposal is in accordance with policies D DM1 and D DM4 of the Arun Local Plan in that it would not result in unacceptable adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

PARKING

The proposal would increase the onsite parking provision serving 4 Beechlands Close by extending the driveway accessed via Beechlands Close, and providing a double garage to replace the existing single garage. As such, the proposal is in accordance with the Arun Parking Standards.

SUMMARY
The proposed development is in accordance with relevant Development Plan policies and is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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:

Proposed Layouts and Elevations 02.
Proposed Block Plan 04A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

3 The garage hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of '4 Beechlands Close' as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 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 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.