

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

REF NO: EP/75/25/HH

LOCATION: Fleurs Et Neige
23 Michel Grove
East Preston
BN16 2SX

PROPOSAL: Erection of a single-storey garden outbuilding comprising a multi-use garden studio with integrated store.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

East Preston Parish Council - No objection.

The committee did ask for concerns to be noted about the height of the building and if it could be sunk further into the ground to reduce any possible impact upon neighbours in both Michel Grove and Sea Lane Close.

Response from nearby occupiers:

1 No. letter of objection received for the following reasons:

- position of the garden room in close proximity to neighbouring rear boundary.
- height of the garden room would be above rear boundary treatment.
- dark colour of garden store against contrasting fascia, guttering and downpipes.
- external lighting on garden store and impact of internal lighting.
- drainage from garden store roof downpipes onto historic culvert at the rear boundary.

Comments - Downpipes are located on the rear of the garden store (east) elevation.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ENGINEERS - Objection on the basis that the structure appears to be located over an existing watercourse. This is in contravention of our Land Drainage Byelaws (2004) which requires a minimum 3 metres distance between the structure and the edge of the watercourse. The watercourse at this point is believed to be culverted (piped).

To overcome our objection, the applicant will need to accurately locate, and indicate the watercourse in question on their plans. The structure will need to be relocated to comply with our Byelaw requirements, ensuring a minimum 3 metres between the structure and the edge of the culvert (pipe). If the applicant has difficulty is accurately locating the pipe, then a discussion will need to be had.

In terms of surface water disposal (roof area), this aspect will be dealt with via the Building Regulations,

which it is understood will be required for this structure. Compliance in accordance with Approved Document H, will need to be considered in terms of the surface water drainage design/disposal.

If a connection to the watercourse discussed above is required as a means of disposal, then consent will be required from us under our Land Drainage Byelaws, and potentially under the Land Drainage Act 1991, which would be dealt with by West Sussex County Council, as the Lead Local Flood Authority. Consent is required to agree the connection arrangements/construction details and flow rates. Based upon historical dealings in this watercourse, it may be in need of maintenance and it will be up to the applicant to prove that the system is fit for purpose to receive flows. This aspect will be dealt with outside of the Planning process.

POLICY CONTEXT

Within an area with potentially high ground water.
Built Up Boundary Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a detached two storey dwelling. This application seeks planning permission for the construction of a single-storey garden outbuilding comprising a multi-use garden studio with integrated store, replacing existing garden outbuilding and paved area. The proposal is sited to the rear of the application site (north east).

The garden outbuilding (garden studio) would have a width of approximately 4.96m and a depth of approximately 6.55m. The extension would have a flat roof with an approximate height of 3.5m. A smaller garden store would adjoin the garden studio, with a width of approximately 2m and a depth of approximately 2.88m. This element would have a lean-to roof with a maximum height of 2.8m sloping to an eaves height of 2.3m.

The garden outbuilding would be finished with external wall cladding in sage green and both roofs finished in metal cladding. Fenestration to the front (south) elevation for the garden studio would be aluminium sliding doors finished in anthracite colour to the studio and for the garden store a solid door (no glazing). External lighting is discreet on the western elevation of the garden studio only. The use of the proposed materials ensures the proposed single-storey garden outbuilding (garden studio and garden store) integrates appropriately with its garden surrounding and preserves its character, in accordance with Arun Local Plan policies D DM1 and the Arun Design Guide (ADG).

The existing hard surfacing within the garden will be replaced by the proposed garden outbuilding. The scale, form, and appearance of the outbuilding would be an ancillary addition to the host dwelling and a condition would be attached to this planning permission to ensure that the outbuilding remains ancillary to the host dwelling.

The proposed single-storey garden outbuilding would not be visible from the main road due to its location within the rear garden of the application site, and the proposal would not result in any harm to the character of the street scene.

The proposed single-storey garden outbuilding is of an appropriate size, scale, and design, and would not result in harm to the character or appearance of the host dwelling, the street scene, or the wider locality. The materials and fenestration are in keeping with its context. The proposal is in accordance with Arun Local Plan policy D DM1 and the ADG.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed single-storey garden outbuilding (garden studio and garden store) would be set approximately 0.5m from the northern (rear) boundary, approximately 13.4m from the western (side) boundary and approximately 0.71m from the eastern (side) boundary. Given the separation distances maintained from the rear elevations of neighbouring properties due to the presence of large gardens, the proposal would not result in overshadowing or overbearing impacts to neighbouring properties.

The proposed side (west) fenestration would have an outlook of the side (west) garden amenity serving the host dwelling. Due to the separation distances maintained from the neighbouring properties (west, east and north) the proposal would not result in any overlooking or loss of privacy to neighbouring properties.

The proposal would not result in harm to neighbouring residential amenity by way of overbearing, overshadowing, or overlooking. The proposed development is therefore in accordance with Arun Local Plan policy D DM1 and the ADG.

DRAINAGE

The proposed single-storey garden outbuilding would be located over an existing culverted pipe. This is in contravention of Arun District Council's (ADC) Land Drainage Byelaws (2004) which requires a minimum 3m distance between the structure and the edge of the culverted pipe. An informative is attached to this planning permission to advise the applicant that the single storey outbuilding could need to be moved for reasons connected to the Land Drainage Byelaw.

Surface water disposal from the roof, will be dealt with via Building Regulations. If connection to the watercourse is required, as means of disposal, then consent would be required from ADC under our Land Drainage Byelaw, and potentially under the Land Drainage Act (1991) , which would be dealt with by West Sussex County Council, as the Lead Local Flood Authority.

The Drainage Engineers objection and informative are noted and the proposal is not compliant with ADC Land Drainage Byelaws (2004). However the proposal would replace two existing smaller outbuildings and an impermeable patio area and would not increased flooding elsewhere in the District. The proposed development would be acceptable in accordance with Arun Local Plan policies W DM1 and W DM3, and the NPFF.

TREES

There are no Tree Preservation Orders (TPOs) on site. The trees and hedges on adjoining properties have also been considered. The proposed single-storey garden outbuilding (garden studio and garden store) would incorporate a screw pile foundation system, as a mitigation measure to avoid root

disturbance to trees within close proximity of the proposed outbuilding.

The proposal has been reviewed by the Tree Officer, who has confirmed that the proposed development would not result in harm to surrounding trees. The proposed development is therefore in accordance with Arun Local Plan policies D DM1.

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

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:
 - Location Plan PI001.
 - Proposed Site Plan with Dimensions PI003A.

- Proposed Site Plan PI003.
- Proposed Floor Plans PI004.
- Proposed Floor Layout with Dimensions PI005.
- Proposed Elevations PI006.

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 proposal hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Fleurs Et Neige, 23 Michel Grove as a garden outbuilding 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.

- 6 INFORMATIVE: The garden outbuilding (garden studio and garden store) is located over an existing culverted pipe. This is in contravention of Land Drainage Byelaws (2004) covered by Arun District Council which requires a minimum 3 metres distance between the structure and the edge of the culverted pipe. The single storey garden outbuilding could need to be removed for reasons connected to the Land Drainage Byelaw.