

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** EP/83/14/HH**LOCATION:** Middle Barn
The Street
East Preston**PROPOSAL:** New driveway and vehicular access to eastern boundary of property.
Resubmission following EP/143/13.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 440 square metres
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling and hedging along south and western boundaries at over 1m in height.
SITE CHARACTERISTICS	A two storey mid-terrace property with flint elevations and a hipped roof with brown tiles. There is already a stretch of hard surfacing near the area proposed for the crossover. A shared vehicular access serves the property and its neighbour South Barn situated to the south.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached and semi-detached properties in the road. Properties Barnside and Westerings to the north have paved crossovers which are on the same side of the road.

RELEVANT SITE HISTORY

EP/143/13/	Provision of new vehicular access and driveway to eastern boundary of property	Withdrawn 22-01-2014
EP/55/14/CLP	Application for a Certificate of Lawfulness for proposed partial removal of garden wall, gate and fence	PP Not Required 08-05-2014

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection.

- Erosion of the grass verge within the village. The property is located within Character Area Three in the East Preston Village Design Statement and within this area, verges are reminders of the old village along roads must be preserved. It is therefore contrary to the village design statement.
- Middle Barn is on the Arun Buildings of Character (Local List) meaning planning permission should not be granted for an alteration that would adversely affect its appearance. The Committee feels a crossover may do just that and therefore should not be granted planning permission.
- The proposed location of the crossover would provide concerns about traffic exiting into The Street which is a busy road and a bus route.

Comments on Representations received:

Comments noted. In response, the proposed driveway in place of the grass verge will not cause any visual harm to the area due to its width of 5m which is comparatively small when set against the overall length of the grass verge at over 60m. Whilst the grass verge has special mention within Character Area Three of the East Preston Village Design Statement, the nature of the driveway with its limited profile will not be unduly prominent in the street scene. Given the limited amount of hard surfacing and the significant distance away from the host property, the proposal will not cause any unacceptable harm to the Building of Special Character. It will be similar in appearance to the existing driveway to the south particularly in its use of tarmac cutting across the grass verge. West Sussex County Council Highways department has no objection to the crossover from a highway safety perspective.

CONSULTATIONS

WSSC Strategic Planning

Consultations responses received:

West Sussex County Council Highways

No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

Building of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN11](#)
[GEN22](#)

Built-up Area Boundary
The Form of New Development
Inland Flooding
Buildings or Structures of Character

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D SP1 Design
D DM1 Aspects of Form and Quality
HER DM2 Locally Listed Buildings or
Structures of Character
East Preston Village Design Statement

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

Due regard has been given to the East Preston Village Design Statement.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have 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 located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities, together with the East Preston Village Design Statement.

SITE HISTORY AND CONTEXT

Previous application EP/55/14/CLP has determined that the removal of the flint wall, gate and fence as shown in the submitted plans constitute Permitted Development and therefore are not for consideration here. There is an existing vehicular access and dropped kerb which forms a shared access to the property and the neighbouring property of South Barn. This is part tarmac and part gravel and is situated to the front of these properties. This proposal is for an additional vehicular access to the rear of Middle Barn which is less restrictive in turning and avoids using the shared driveway.

BUILDING OF SPECIAL CHARACTER (POLICY GEN22, LOCAL PLAN)

The proposal is approximately 30m away from Middle Barn and not raised off the ground to adversely affect this Building of Special Character in conformity with policy GEN22 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY (POLICY GEN7, LOCAL PLAN)

The proposed crossover will join on to The Street at a width of approximately 5.2m with a tarmac driveway in place of an existing grass verge. The driveway and dropped kerb will not cause any harm to visual amenity due to the limited profile of the driveway and the residential character of the road which this proposal is considered to be consistent with. It will also be similar in appearance to the existing vehicular access to the south which also comprises of tarmac that bisects the grass verge. As well as this area of tarmac the nearby properties enjoy paved crossovers and the proposal will not be out of keeping.

Whilst the grass verge is mentioned in Character Area Three of the East Preston Village Design Statement, this is not considered sufficient justification to retain the grass verge against a

proposal that has an acceptable visual impact on the Building of Special Character and the wider street scene.

It is therefore considered that the proposal complies with relevant policies GEN7(ii) and GEN22 of the Arun District Local Plan.

HIGHWAY SAFETY

West Sussex County Council Highways department has no objection to the scheme. It is therefore considered acceptable in highway safety terms and so complies with policy GEN7(vii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

There will be no harmful residential effects created by the proposed with considerable distances between the proposed driveway and crossover and the neighbouring properties of Bay Tree Barn and South Barn.

It is therefore considered that the proposal is acceptable in residential amenity terms and so complies with policy GEN7(iv) of the Arun District Local Plan.

DRAINAGE

Since the tarmac driveway is not permeable or porous in itself, a condition is proposed requiring appropriate drainage details to be submitted, implemented and thereafter retained.

It is therefore recommended that the application be approved, 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 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, a neutral impact has 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.

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: drawing number 13045/01b (Location, Existing and proposed block and site plans, Existing and proposed elevations) dated 04-11-2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No works shall commence until details have been submitted to and approved by the Local Planning Authority for the drainage measures and materials used in the construction of the crossover and hardstanding area and shall thereafter be implemented and retained in perpetuity.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.