

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

REF NO: FG/132/13/

LOCATION: 29 The Poplars
Ferring

PROPOSAL: Erection of single storey detached garage/workshop

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The detached garage and workshop measures approximately 10m in length, approximately 5.5m in width and approximately 2.9m in height. It will be constructed from painted render with brickwork piers either side of the garage door and plain roof tiles to match existing.
SITE AREA	Approximately 1850 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wooden fencing to front at approximately one metre in height. Close boarded fencing at approximately 1.8m in height along the western boundary and breezeblock walling to the side (east) and rear (south).
SITE CHARACTERISTICS	A detached chalet bungalow with part smooth rendered elevations painted cream with tile hanging sections and a hipped roof with plain roof tiles. There is an attached garage to side and a dormer in the front roofslope. The property is situated at the end of a cul-de-sac.
CHARACTER OF LOCALITY	Predominantly residential in character, there is a row of detached bungalows of a similar style on the opposite side of the road. The neighbouring property to the west and those to the east in Ocean Drive are two storey detached.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:
Awaited.

Three letters of objection, two from the same person at the same address.

A workshop implies the use of machinery which will cause disturbance in a quiet residential area.

The footprint of the new build would be larger than some of the neighbouring bungalows.

Out of keeping with the area.

Proper plans have not been submitted such as including the exact height of all facades.

Concerns about the long term use of the workshop.

The workshop will block out natural light.

Comments on Representations received:

Comments noted. In response to the letters of objection, the workshop can be conditioned for use to be for personal and not business use should planning permission be granted. The plans are scaled drawings and so all measurements are shown including the maximum height of the structure at approximately 2.9m. All other comments are addressed in the Conclusions section of this report regarding its design and residential amenity effects.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health

No objection to proposal if associated with use of adjacent residential premises.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary

The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this

time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality, as well as having 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

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 Arun District Local Plan Policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a garage and workshop building which will be situated forward of the property. The building is approximately 10m in length and approximately 2.9m in height.

The building is considered to be unacceptable in design terms predominantly due to its location to the front of the property. The garage will project approximately 1.6m further forward from the front building line and as such is regarded as being unduly prominent within the street scene. The property is situated down a narrow road at the end of a cul-de-sac and this level of projection to the front of the property is considered to harmfully detract from the street scene. There is a row of detached bungalows of a similar style on the opposite side of the road which respects a clear line, as well as the immediately neighbouring property of Little Foxes to the west with No. 29 The Poplars. Therefore, the proposed building will be unacceptable to the surrounding properties by encroaching closer to the road and resulting in a loss of character in the area.

The bulk of the amenity land for the property is situated to the rear which remains undeveloped and siting the proposal here is unlikely to negatively affect the street scene. However, in its current location the building is set at an angle to the road which is at odds to the current linearity of development. This results in the PVCu garage door and a corner of the building being presented when viewing the road from west to east and increases its prominence.

Also, the size of the building at 10m is considered to be substantial when set against the smaller properties on the opposite side of the road which requires special consideration in the

assessment due to the narrow road width. Therefore, the building is considered to cause unacceptable harm in design terms and so conflicts with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The garage and workshop building is to be located in close proximity to the eastern boundary of the site. In places, this is approximately 0.5m away in distance at a height of approximately 2.9m.

However, with a roof that is sloped away from this boundary and a breezeblock wall at approximately 2m in height in this location, the building is not considered to cause any harmful overshadowing or overbearing effect on any neighbouring property and in particular Nos. 10 and 12 Ocean Drive.

Therefore, the proposed building is not considered to cause any demonstrable harm to residential amenity and so complies with policy GEN7(iv) of the Local Plan.

It is therefore recommended that the application be refused for the following reasons.

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 family and private 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

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

REFUSE

- 1 The garage and workshop building by reason of its size and location forward of the property within an open and prominent location causes unacceptable harm to the appearance of the street scene and as such would be contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.