

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

REF NO: FG/165/14/HH

LOCATION: 29 The Poplars
Ferring

PROPOSAL: Single storey detached garage (resubmission following FG/132/13/).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The detached garage measures approximately 6m in length, approximately 4.3m in width and approximately 3m in height. It will be constructed from brickwork sides and a tiled roof to match the property.

SITE AREA

Approximately 1850 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Wooden fencing and chain link 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 side (east) and rear (south).

SITE CHARACTERISTICS

The site comprises a detached chalet style bungalow which has part smooth rendered elevations painted cream with tile hung sections. The roof is hipped in design with plain roof tiles. A dormer is set in the front roofslope. There is an attached garage to side (east) of the dwelling already. The property is located 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 set along a strict front building line. The neighbouring property to the west and those set to the east in Ocean Drive are two storey detached.

RELEVANT SITE HISTORY

FG/132/13/

Erection of single storey detached
garage/workshop

Refused

20-12-2013 *Appealed*

Appeal: Dismissed
17 03 2014

REPRESENTATIONS

Representations received:

Awaited.

Three letters of objection.

*Structure is out of keeping with the area.

*Potential eyesore.

*The applicant has already applied for a similar structure which was rejected by the Secretary of State on appeal. The revised plans are not substantially different from those previously submitted.

*The height of the construction will block sunlight and cast shade during the afternoon into the garden of no. 12 Ocean Drive.

*The proposed construction is too close to existing boundary (0.15m) which would not allow enough space to construct, render or paint and upkeep in the future.

*The proposed construction is not in line with the building line of the owner's property.

*Enough room to the side of the property to position garage.

Comments on Representations received:

Comments noted. Matters of design and the effect of the garage on neighbouring properties are discussed in the Conclusions section.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Public Sewer on site

DEVELOPMENT PLAN POLICIES

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

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

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

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.

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

SITE HISTORY/CONTEXT

This application forms a resubmission of previously refused application FG/132/13 which was subsequently dismissed at appeal by the Planning Inspectorate. The Planning Inspector considered that it was "the excessive forward projection of the proposal in conjunction with the excessive width and proximity to the road that would erode the broadly uniform building lines that characterise the area". He goes on to say that "the proposal's incongruous appearance, despite the use of matching materials would be further magnified by its excessive size relative to the modest scale of the bungalows on the opposite side of the road".

There has been distinct attempts in this application to address the concerns raised by the Inspector at appeal but the question is whether the amendments still cause unacceptable harm to visual amenity and accord with national and local plan policies.

The proposal is for detached brick built garage with a hipped tiled roof to be situated to the east of the property as before. It differs from previously refused application FG/132/13 by being approximately 4m less in length and approximately 1.2m less in width at broadly the same height. It also differs by now having brickwork elevations compared to previous painted render. It has also changed in its orientation and having a greater set-back distance from the road of approximately 6m compared to the previous 2m.

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 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

The proposed detached garage is situated to the side (east) of the property and will project forward of the property by approximately 2.5m. There are a number of factors that mean that this level of projection forward of the front of the property is still unacceptable in visual terms. It is considered that the detached garage will still significantly project from the property such that it would adversely detract from the property. The strict front building line observed along the row of bungalows opposite will stand in unacceptable contrast to the staggered arrangement being proposed where the garage will be presented and read first in the street scene and the property second. This effect will be amplified by the narrow road and the fact that it forms a cul-de-sac and the proposed garage will be positioned at its end with harmful views being presented at some distance along the straight road.

The frontage to the property is prominently open with dual timber slats extending for approximately half of it and chain and post fencing where the garage is located along the eastern half. These are visually lightweight structures and will not provide sufficient screening to mitigate or overcome the harmful effect of siting the detached garage in the proposed prominent location.

The submitted block plan draws a line between the proposed garage and the front building line with Little Foxes to the west for comparison and indicates that the proposed garage will be no further forward than this neighbouring property. However, this comparison will not be appreciable in reality due to the heavily screened front and side boundary treatment of Little Foxes which mainly hides the property and so the sole reference point becomes the subject property itself. The

proposal must also be tied visually to the dwelling it serves first and foremost.

It is considered that the proposed level of projection of the garage forward of the property which has a straight building line would still harmfully erode the strict building lines that characterise the area, as identified at appeal. The reduction in size of the garage compared to the previous application is not considered to overcome this serious and unacceptable effect.

As previously remarked in the Officers Report for previous application FG/132/13, the bulk of the amenity land for the property is situated to the rear which remains undeveloped and siting the proposal here or to side (east) but alongside or further back from the property is unlikely to negatively affect the street scene. There is an existing garage to side (east) of the property as part of the property as well.

It is therefore considered that the detached garage is still unacceptably harmful in design and visual terms and has failed to overcome concerns raised at appeal. It therefore conflicts with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The size of the proposed garage has been reduced in its dimensions but even in its previous form under planning application FG/132/13 it was considered to not cause any harmful residential effects. This is primarily due to a breezeblock 2m high wall along the eastern boundary and comfortable distances away from properties at approximately 15m to the east in Ocean Drive. These factors mean that the proposed garage at 3m in height will not cause any harmful overbearing or overshadowing effects.

The proposed garage is therefore not considered to cause any demonstrable harm to residential amenity and complies with policy GEN7(iv) of the Arun District 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 private and family 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 detached garage by reason of its location forward of the property within an open and prominent location would cause unacceptable harm to the appearance of the street scene and as such would be contrary to policy GEN7 of the Arun District Plan, policy D DM1 of the Emerging 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 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.