

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

REF NO: FG/29/18/HH

LOCATION: 27 Highdown Way
Ferring
BN12 6QQ

PROPOSAL: Workshop in rear garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applications seeks to retain a workshop/shed to the rear of the property.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the property is open plan whilst the side boundaries consist of hedging and fencing. The rear garden has sufficient planting and backs onto Ferring Rife.
SITE CHARACTERISTICS	The site consist of a detached bungalow property with a detached garage.
CHARACTER OF LOCALITY	The area is predominately residential with housing of similar designs and styles.

RELEVANT SITE HISTORY

FG/142/16/HH	Loft conversion with dormers to North, East & West roof elevations.	Refused 18-01-17
FG/133/15/HH	Rear & side extensions to modernise & enlarge bungalow. Existing garage demolished.	ApproveConditionally 12-10-15
FG/80/13/	Proposed rear and side extension and roof modification with dormers to enlarge bungalow, existing garage demolished.	Refused 19-09-13
FG/125/11/	Rear and side extensions and roof modifications with dormers to enlarge bungalow (resubmission of FG/34/11/)	Refused 26-03-12

FG/34/11/	Demolition of existing marley type garage & provision of 2 storey side extension & single storey rear extension with rooms in roof & internal alterations	Refused 19-05-11
FG/160/09/	Provision of double garage with storage at first floor, and glazed link to existing dwelling and demolish existing Marley type garage	Refused 12-02-10

Relevant site history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council provided no response
1 letter of objection from a nearby occupier
- The already erected construction spoils our outlook
- It may be used as a dwelling

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Loss of view is not a material consideration and a condition will be included which restricts the use as a separate dwelling in the future.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Built up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV19	Extensions to existing residential buildings
GEN7	The Form of New Development
GEN2	Built-up Area Boundary

Publication Version of the Local Plan (October 2014):

D DM4 Extensions & Alterations to Existing Buildings

SD SP2 Built -Up Area Boundary

D SP1 Design

D DM1 Aspects of Form and Design Quality

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice 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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The plan was subject to consultation until 23rd February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Ferring has a 'made' neighbourhood plan which has been a material consideration during the planning process. Policy 1A has been considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policies considered are GEN7 and DEV19 of the Arun District Local Plan, Policy 1A of the Ferring Neighbourhood Plan and National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed workshop is located in the rear garden around 15m from the rear of the property and therefore not visible from the street scene. The cladding material used will blend in with the surrounding environment. It is therefore not considered to impact negatively upon the character of the area and therefore accord with GEN7 and DEV19 of the Arun District Local Plan and 1A of the Ferring Neighbourhood Plan.

NEIGHBOURHOOD RESIDENTIAL AMENITY

The proposed workshop stands at around 3.85 m in height with eaves at 2.3m. It has 3 windows: one to the east, one to the south and one on the western elevation. The window to the east and south will overlook the rear garden of the host property and the fencing whilst the window to the west will overlook Ferring Rife. The height of the west elevation window, combined with the intervening screening and distance to neighbouring properties means that the shed will not have a dominating visual impact or cause unacceptable overlooking to properties to the west beyond the Ferring Rife.

Due to the size of the development, its location and sufficient boundary treatment from trees and hedging it is not considered to give rise to any unacceptable overlooking, overbearing or overshadowing impacts upon the neighbouring residential amenity and therefore in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

FOR APPROVAL

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.

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
- Block, Site, Elevations, Sections and Floor Plans - 0718 1

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

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 27 Highdown Way as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan 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 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.