

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

REF NO: FG/59/18/HH

LOCATION: Kingsboro
Littlehampton Road
Ferring
BN12 6PH

PROPOSAL: Demolition of existing garage & erection of double garage with playroom on first floor.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The garage will be 2 storey when seen from the rear with a blank roof slope at the front and dormers at the rear. The ground floor will have space for 2 cars and roof space will accommodate a play room. The building will be 2 m high to the eaves with a ridge height of 5 m. It will replace a dilapidated timber garage with a shallow pitched 0.+-roof which is approximately 3 m high to the ridge. A multi stemmed and stunted horse chestnut will be removed.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development. The tree to be removed is a multi stemmed horse chestnut which is stunted by the lack of room for growth and cannot be readily seen apart from the alleyway which runs past the site.
BOUNDARY TREATMENT	2m close boarded fence separating site from adjacent alleyway.
SITE CHARACTERISTICS	The property is an isolated bungalow accessed through Ferring Nurseries. There is a dilapidated garage on the north side immediately adjacent to an alleyway on the edge of the residential development to the north and east and separated from it by a 2 m close boarded fence.
CHARACTER OF LOCALITY	On the edge of the built up area with residential development to the north and east and Ferring Nurseries to the west

RELEVANT SITE HISTORY

FG/45/03/	Extension	ApproveConditionally 23-05-03
-----------	-----------	----------------------------------

Noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

None

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the built up area boundary

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

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

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

SD SP2 Built -Up Area Boundary

D DM1 Aspects of Form and Design Quality

D SP1 Design

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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 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 Neighbourhood Plan has been made and the relevant policies considered in the determination of this application.

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

The site is within the built up area boundary where development is acceptable provided it complies with the other relevant policies in the Development Plan.

The windows proposed at first floor at the rear will look obliquely into the rear gardens of properties in Langbury Close but these properties already overlook each other's gardens and the new building is sufficiently distant not to cause demonstrable harm. The windows at first floor will also provide additional surveillance of the alleyway. Due to the distance there will be no impact on light or outlook of the residential properties to the north and east.

The eaves will be approximately the same height as the existing fence so only the roof will be seen above it by users of the alleyway to the north and the bulk of the roof mass diminishes rapidly as it is the gable end that will be seen. As such there will not be an unacceptable impact on visual amenity.

The proposal therefore complies with policy GEN 7 of the Arun District Local Plan and policies D SP1 and D DM1 of the emerging Arun Local Plan 2011-2031.

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: 18/08/L.S.P, 18/08, 18/08/1

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 materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing bungalow.

Reason: In the interests of amenity in accordance with policies GEN7 of the Arun District Local Plan.

- 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.