

Recommendation Report for Planning Permission

REF NO: FG/68/12/

LOCATION: Land to the East of
Paddocks End
37 St. Osmund Road Ferring

PROPOSAL: Change of use of land to be used in conjunction with 37 St Osmund Road and erection of 1 No detached timber garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the expansion of the garden of the property to incorporate an approximately 135 square metre strip of land to the west and the siting of a garage measuring 5.7 metres in width by 6 metres in depth and 3.886 metres in height on this strip.
SITE AREA	Approximately 135 square metres.
TOPOGRAPHY	The existing garden is predominantly flat. The strip of land to the west slopes gently downwards from east to west.
TREES	There is a Hawthorn adjacent to the current western site boundary. This would not be affected by the proposal.
BOUNDARY TREATMENT	The existing garden is enclosed by approximately 1.8 metre high timber featherboard fencing. The strip of land that is to be incorporated into the garden is bordered by a 1.2 metre high timber post and rail fence as well as a hedgerow along its western edge.
SITE CHARACTERISTICS	The site is currently an unused strip of land which has been cleared of undergrowth.
CHARACTER OF LOCALITY	The site is located at the end of a residential cul-de-sac that is lined by semi-detached bungalow dwellings that are set back from the road with open frontages creating a spacious appearance. The site backs onto a caravan park to the north. To the south there are paddocks with views over them towards open fields and countryside.

RELEVANT SITE HISTORY

FG/42/04/	Change of use of land and the construction of a detached timber garage. Formation of access drive including retaining wall to west boundary	Refused 10-05-2004 Appeal: Dismissed 17 01 2005
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FG/43/09/

Construct conservatory to rear of property

Approve Conditionally

14-05-2009

REPRESENTATIONS**Representations received:**

Ferring Parish Council

Objection: The footpath is not shown on this Planning Application. Evidence is required that this is not part of the Strategic Gap. The land has a huge drainage problem, is often under water and there is no flood risk assessment attached to the Application Please note: The Application includes a change of use from agricultural to domestic land. This Application differs from the previous one.

Comments on Representations received:

The public footpath that passes to the west of the site and the footpath to the front of the dwelling are both shown on the accompanying location plan. Council records show the site is entirely within the built-up area and does not intrude into the strategic gap. A small proportion of the site, concentrated to the far end in the south, falls within the designated Flood Zone 2 area. The garden and driveway to the garage will both be porous and allow surface water to permeate. The Environment Agency have confirmed that a Flood Risk Assessment would not be required for the change of use to garden land. The land is not employed in any agricultural use.

CONSULTATIONS**Consultations responses received:**

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

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 Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

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 deemed to be acceptable, subject to the satisfaction of relevant planning policy. In this instance, the key criteria are contained within Arun District Local Plan Policies GEN7 which aims to safeguard the amenities of neighbouring residents and the character and appearance of the surrounding area. These policies remain a valid consideration as they concord with the aims and objectives of relevant sections of the National Planning Policy Framework (NPPF). Recent appeal decisions issued by the Planning Inspectorate support the continued use of these policies.

SITE HISTORY:

A previous application to extend the garden, FG/42/04/, was refused by the Council and subsequently dismissed on appeal. This was on the basis of intrusion of the garden outside of the built-up area and into the countryside where there is a far stricter control on development. The current application does not extend the garden area as far to the west as the previous submission.

VISUAL AMENITY:

The Council's records show that the entirety of the strip of land is located within the built-up area and its use as a garden is compatible with its setting. It is currently unused, although it is being maintained to an extent. The existing garden of the property extends to the west of the dwelling and the extended garden will appear as a natural progression of this existing feature. It is in a spot that is secluded from direct view from the street scene by surrounding vegetation and it is not considered that its use as a garden will compromise the countryside which extends to the west of the site. The existing hedgerow to the west of the site will also be retained and will provide a natural transition between the built environment and the countryside. The proposed garage will be set well back towards the far end of the site and, given its modest scale, will have extremely limited visual presence within the street scene. It is therefore considered that the proposal will not result in an adverse impact upon the character and appearance of the surrounding area.

DESIGN & SCALE:

The garage is considered to be of modest proportions, particularly when seen in context with the main dwelling and there is also a generous degree of separation between it and the dwelling. It is considered that this will prevent it from appearing overly dominant towards the main dwelling and visual subservience towards it would be maintained, as would be expected in the relationship between a garage and a dwelling.

RESIDENTIAL AMENITY:

The extended garden will not adjoin any residential properties and it is not considered that it will have any adverse impact upon the amenities of neighbouring residents. The garage will be situated towards the far end of the site. There are static caravans nearby to the south, located on Brook Lane Caravan Park, however, due to the modest scale of the garage, it will not appear oppressive towards any of these balconies or impinge upon the amenities of its occupants.

It is therefore recommended that the application is 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 respect for 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 it has been deemed that it would have a neutral impact 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:-

11050/01;
Garage floor plans and elevations;

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 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.