

Recommendation Report for Planning Permission

REF NO: FP/124/21/PL

LOCATION: Rear of 7 Middleton Road
Felpham
PO22 6BL

PROPOSAL: Detached double garage. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal is for the erection of a detached double-car garage which would provide parking for a dwelling approved under application FP/203/17/PL. The garage will have approximate internal dimensions of 6m x 6m and would be characterised by a shallow pitched roof.
SITE AREA	0.12 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site has a part brick, part rendered wall fronting the road with other boundaries formed by 1.7-1.8m high close boarded timber fencing. No. 7's private garden has a 1-1.5m high brick wall surrounding it separating it from the areas of hardstanding. Planted trees and hedges along the eastern boundary.
SITE CHARACTERISTICS	Detached single storey dwelling with additional accommodation in the roof space (rear dormers). Rear conservatory and ground floor link to additional accommodation within a single storey pitched roof brick built building on western side of garden. Paint rendered elevations with a double paned window at first floor and two triple paned windows at ground floor of west elevation. Garden to rear separated by a wall from the areas of hardstanding elsewhere on the site. Existing large single storey, flat roofed white painted garage/storage building to the very rear of the site. Driveway runs along west boundary of the house leading to hardstanding for parking and turning. The existing land suggested for an erection of the proposed garage is laid to tarmac hardstanding and features an unused greenhouse.
CHARACTER OF LOCALITY	Predominantly residential but within close proximity to a restaurant, public house and Tesco Local.

RELEVANT SITE HISTORY

FP/184/20/PL	Demolition of existing garage/outbuilding & construction of a pair of semi-detached houses & associated works. This site in in CIL Zone 4 & is CIL Liable as new dwellings.	Refused 14-12-20
FP/203/17/PL	Demolition of outbuildings & erection of 1 No. dwelling to rear (resubmission following FP/137/17/PL).	ApproveConditionally 13-12-17
FP/58/14/HH	Two storey rear extension and detached garage	Refused 03-06-14

Noted.

REPRESENTATIONS

Felpham Parish Council: No objection.

No objection letters received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE ENGINEERS: No objection. Recommend surface water drainage condition has been removed by a Drainage Engineer due to provision of a sufficient information. Surface water drainage is to be constructed in accordance with submitted plans.

WSCC - Do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal. However, the proposed garage will have approximate internal dimensions of 6m x 5.6m. This falls slightly short of the minimum internal specifications for double-car garages of 6m x 6m as set out in Manual for Streets (MfS). Therefore, the LHA cannot consider the garage for parking provision and advises the applicant to enlarge the garage to 6m x 6m.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Addressing the above comments the applicant provided amended plans showing the internal dimensions of the proposed garage of 6m x 6m.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area boundary; and
Class B Road.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

Felpham Neighbourhood Plan 2019-31 Policy ESD1 Quality of Design

Felpham Neighbourhood Plan 2019-31 Policy ESD5 Surface Water Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

At Full Council meeting on 17th March 2021, Arun District Council resolved to 'make' the Felpham Neighbourhood Development Plan 2019-2031. The Neighbourhood Plan Review 2019 - 2031 contains a number of 'saved' policies from the Felpham Neighbourhood Plan 2013- 2029, some amended policies and some new ones. The relevant policies are: ESD1 Quality of Design and ESD5 Surface Water Management, All relevant policies are modified in Felpham Neighbourhood Development Plan 2.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it accords with other policies of the Local Plan covering such issues as the visual/residential amenity and highway safety.

DESIGN AND VISUAL AMENITY:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. In Part I.O1 which deals with parking provision and its dimensions, highlights the best practice which suggests that the internal floor area for car spaces (garages or car ports) should be at least 3 x 6m in dimension (page 77). Spaces that are smaller than the minimum may be included but will not be counted as a parking space. Where car ports or garages are provided, these should be retained in the long term and conversion of such parking to extensions should be prevented. The suggested forecourt depth is 6m for garages and 5.5m for garages with a roller shutter door. Additional length for turning of 1 to 3m may be required depending on circumstances.

Policy ESD1 of the Felpham Neighbourhood Development Plan requires development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to location.

This application put forward a design with a shallow pitched roof with two gables which is traditional and sympathetic to the appearance and materials of the existing dwelling at Number 7, as well as the proposed dwelling to the rear. There would be a side doors; one on northern and one on southern elevation. Eave level would be 2.25m and the ridge 4.34m.

The site would be well screened and the garage will not be visible to any significant degree from the street and is not considered to result in visual intrusion.

Given the above, the proposed garage would satisfy D SP1 and D DM1 of the Arun Local Plan and policy ESD1 of the Felpham Neighbourhood Development Plan.

The proposed garage as amended would have approximate internal dimensions of 6m x 6m. This would satisfy the requirement of Arun Design Guide.

WSCC acknowledges the garage provides additional parking for the proposed dwelling and there is space for on-site turning to be achievable, allowing cars to exit the site in a forward gear. Amended drawings show the proposed garage which would meet MfS specifications for double-car garages of 6m x 6m.

RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The garage would be siting within a bay created by flank wall of No 4 Flansham Lane to the north, outbuildings of No 3 to the west and outbuilding of No 5 Middleton Road to the south. With regard to residential amenity, the garage would have a little or no impact on nearby dwellings since no privacy loss results and their location and existing adjoining development/screening means that the garage not unduly dominant in outlook. No overlooking would result.

As such the application is considered to be acceptable in terms of impact on neighbour amenity therefore will comply with policies D DM1 and QE SP1 of the Arun Local Plan.

It is recommended that the application be approved, subject to the following conditions and informative:

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.

CIL DETAILS

This site is in CIL Zone 4 (Zero Rated) as other development.

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:

Dwg No PL03, Location & Block Plan Rev A dated 20/07/21;
Dwg No PL01, Front Elevation and Floor Plan Rev A dated 20/07/21;
Dwg No PL02, West, North and South Elevation Rev A dated 20/07/21.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The detached double garage hereby approved should be constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun 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.