

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** FP/132/14/HH**LOCATION:** 10 Grafton Avenue
Bognor Regis**PROPOSAL:** Erection of a pagoda style carport**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed car port measures approximately 2.35m in width, maximum depth of 8m with a maximum height of 2.45m.
SITE AREA	Approximately 313 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has dwarf brick wall + hedging 1.5m in height with wooden entrance gate, south side boundary has close boarded fencing 1m-1.8m in height.
SITE CHARACTERISTICS	Detached bungalow with smooth rendered walls, red tile hanging on upper level of front gable, white window frames. Detached pitched roof garage to rear southern side with concrete driveway.
CHARACTER OF LOCALITY	Residential comprising detached bungalows, chalet and two storey properties of various styles and designs.

RELEVANT SITE HISTORY

FP/25/10/	Demolition and removal of existing compressed concrete and asbestos garage (3mx5m) and replacing with new garage (3mx8m)	Approve 19-03-2010
FP/112/14/CLP	Application for a Lawful Development Certificate for a proposed freestanding carport	Withdrawn 22-07-2014

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection to the application.

2 Letters of Objection (from same address)

Proposed car port will be sited too close to our boundary.

How can we maintain our property wall when car port is constructed.

Rain water flow over my boundary line and property.

Comments on Representations received:

Objection comments noted

The submitted block plan shows that the proposed car port will be sited approximately 1m from the neighbouring property No 12. The applicant has confirmed that any rain water will drain into guttering which will be fixed underneath the car port and will connect to the existing garage downpipe.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Tree Preservation Order

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary

The Form of New Development

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

D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings
(residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

Design of new development

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).

The Felpham Parish Neighbourhood Plan has now been made and policy ESD1 applies in this instance.

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 property has a detached garage that is sited on the southern side to the rear of the dwelling and the application seeks to construct a car port to the front of this garage.

The proposed car port will be sited to the southern side boundary being set back from the front boundary by approximately 11.9m. It will be open on all sides with four timber supports and the roof covering will be polycarbonate sheeting which will be fixed in sections allowing the sheeting nearest the house to be removed for maintenance work to the property. The roof will end before the boundary line and drain into guttering which will be fixed underneath and will connect to the existing garage downpipe.

The neighbouring property No 12 is sited approximately 1m away and along this section of the boundary there is close boarded fencing approximately 1.8m in height. With its open construction and a maximum height of 2.45m it is not considered that the structure would be overbearing or create a loss of outlook to the occupiers of No 12 to warrant a refusal.

The proposal being to the rear of the dwelling is not considered to be of an obtrusive nature, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended that the application be approved, subject to 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 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

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from

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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:

Site 1:1250 received on 11.8.14.

Block 1:500 received on 23.9.14.

Floor 1:50 received on 11.8.14.

Elevations 1:50 received on 11.8.14.

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 Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the roof overhang/guttering will encroach on, under or over adjoining boundary.

- 4 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 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.