

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

REF NO: FP/142/17/HH

LOCATION: 25 Broom Field Way
Felpham

PROPOSAL: Conversion of detached garage to form ancillary annexe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

The existing garage measures 6.2 m long, 6.2m wide and 5.2m high (max). No extensions are proposed and the alterations are removal of garage door and replace with two windows, the west elevation will include a patio style door and window. No alterations are proposed to the south and east elevation.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The frontage is open plane with a hardstanding / drive to the side leading to the garage. AT the rear there is a timber fence approximately 1.8m - 2m high

SITE CHARACTERISTICS

A two storey detached property with a detached garage. The buildings are constructed of red brick beneath a tile roof.

CHARACTER OF LOCALITY

Residential cul de sac of similar style properties.

RELEVANT SITE HISTORY

No relevant planning history

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council Object - lack of parking - more cars as garage will no longer be available as a garage - increasing an already big problem for residents.

Comments on Representations received:

Comments are noted and addressed in conclusions.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built up area

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
Design of new development

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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).

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

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.

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CONCLUSIONS

The application site is situated within the built up area boundary and within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The detached property is sited in a residential area and the application seeks to convert an existing garage to a one bedroom annex. The garage is set back behind the rear elevation of the main house. The proposal proposes the replacement of the garage door with two windows. Given the limited alterations, i.e. the building will remain the same size and in the same position it is not considered to be harmful to the established character and appearance of the surrounding residential area.

The garage building is located to the rear of the rear elevation of the adjoining property No.23. However, there are no windows in the elevation facing No.23 and given the height and position of the proposed windows in the front elevation of the proposed annex and the height of the boundary fence at least 1.8m it is not considered the proposed annex will lead to a loss of privacy to the occupiers of No.23. As there is no change in building size there is no loss of outlook to this property.

The proposed scheme has a glazed door and window facing into the garden on the west elevation of the proposed annex, this would face No.27. However, given the garage to No.27 and the boundary fence and the distance to the property it is not considered that the proposed annex will lead to a loss of privacy to the occupiers of this property. Again there is no change to the existing outlook for the occupiers of No.27. With regard to the property to the rear of No.25 the separation distance is approximately 25m and together with the boundary treatment ensures there is no adverse amenity issue to the occupiers of this property.

As such, based on the above analysis, it is not considered that the proposed development will be harmful to the amenity enjoyed by the occupiers of the neighbouring properties.

Finally, as raised by the Parish Council the proposed conversion will lead to the loss of the parking area within the garage. However, the application property unlike most of the other properties on the cul de sac has a driveway leading to the garage measuring between 10 -15m long and 4 - 6m width. This provides an area capable of parking at least 3 cars. Therefore, it is considered, on balance given the site specific circumstances of this property, that adequate off street parking can be provided if the proposed development is approved.

As the proposed use is for an ancillary annex it is considered appropriate to impose planning conditions restricting the use of the outbuilding to be such an ancillary structure and not a separate form of accommodation that could be sold or let separately and to define this permission.

Therefore, based on the above assessment and on balance it is considered that the proposed development is acceptable. As such it complies with the planning policies in the adopted Arun Local Plan and the Felpham Neighbourhood Plan. It is therefore recommended to approve the application, subject to the following conditions.

HUMAN RIGHTS ACT

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

report

approved plans .

sheet 1 of 2: location plan, block plan, proposed plan & proposed elevations.

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 No windows (other than those shown on the plans hereby approved) shall be constructed in the east elevation of the annex hereby permitted which adjoins the side boundary with No.23 Broom Field Way without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling 25 Broom Field Way, Felpham and shall not be sold or let separately from the property 25 Broom Field Way at any time, including use as holiday accommodation.

Reason: In the interests of the amenity and character of the area in accordance with policy GEN7 of the Local Plan.

- 5 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.