

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

REF NO: FP/183/17/HH

LOCATION: 8 Ajax Place
Felpham

PROPOSAL: Retention of shed to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Detached shed to north east corner of rear garden. The shed is built on concrete foundations and has a south facing window 1.7m high to cill level with door and window on west elevation. The shed is located behind trees and is timber clad with grey shingle tiles and brown UPVC windows and door.

SITE AREA

0.04 hectares.

TOPOGRAPHY

Predominantly flat

TREES

Some small trees on the site near the shed but none of any significance.

BOUNDARY TREATMENT

1.6m fence to sides and rear.

SITE CHARACTERISTICS

Two storey semi-detached property on an inverse corner plot with parking to front and garden to rear.

CHARACTER OF LOCALITY

Suburban residential area formed of detached and semi-detached dwellings set back from the road with parking to front and rear gardens.

RELEVANT SITE HISTORY

FP/41/02/	Single storey side and rear extension	ApproveConditionally 12-04-2002
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None relevant.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

Four letters of public representation received. Two letters objected on the grounds of:-

- overbearing and visually intrusive impact on surrounding residential amenities of numbers 24 and 26 South Drive
- overlooking and loss of privacy from the windows to the garden of 26 South Drive

One letter of support on the grounds that the shed is a visual improvement to the area and in keeping with its surroundings. And one letter of 'no objection' stating the structure would have no impact on Ajax Place.

Comments on Representations received:

Comments noted.

The overall size, form and location of the structure is not considered to be overbearing or visually intrusive to the residential amenities of neighbouring dwellings. The shed is set away from immediate private residential amenity areas of rear gardens and has a hipped roof to reduce impact visually. It is located discreetly in the corner of the rear garden and masked to an extent by trees and boundary fencing.

The south facing window (which faces over) number 5 Cunningham Gardens' rear garden, has a lower sill level of above 1.7m from finished floor level. As such, it provides no realistic opportunity for overlooking and any that could be achieved would be to a rear part of a garden at high level.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19 GEN2 GEN7	Extensions to existing residential buildings 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 QE SP1 Quality of the Environment SD SP2 Built-Up Area Boundary
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development

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 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 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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 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).

The development is considered to comply with relevant FDP Policy ESD1.

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

DESIGN AND VISUAL AMENITY

The shed is relatively large in overall size but is considered to be discreetly located in the rear garden and of a reasonable scale for a residential garden shed/outbuilding. The timber cladding and grey shingle slates are considered to be suitable for a residential garden environment, blending with existing trees, fences and dwellings.

The shed is not highly visible from the surrounding street scenes and is not considered to have a significant impact on the visual amenity of the area.

The proposal is considered to be acceptable in terms of design and visual amenity in compliance with saved policy GEN7 and Felpham NDP policy ESD1.

RESIDENTIAL AMENITY

The overall size, form and location of the structure is not considered to be overbearing or visually intrusive to the residential amenities of neighbouring dwellings. The shed is set away from immediate private residential amenity areas of rear gardens and has a hipped roof to reduce impact visually. It is located discreetly in the corner of the rear garden and masked to an extent by trees and boundary fencing.

The shed is not considered to be so large so as to cause a significant level of overshadowing to neighbouring rear gardens. It is set over 20 metres away from properties in South Drive. A sufficient distance so as not to be visually obtrusive.

The south facing window (which faces over) number 5 Cunningham Gardens' rear garden, has a lower sill level of above 1.7m from finished floor level. As such, it provides no realistic opportunity for overlooking and any that could be achieved would be to a rear part of a garden at high level. A condition will be included requiring formal planning consent for further windows on the south, west and east elevations.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policy GEN7.

The application is considered to be in compliance with the Development Plan and is recommended for conditional approval.

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 approved shall be retained in accordance with the following approved plans:

Site Plan (1:1250)
Block Plan (1:500)
'North Facing'
'Floor Plan'

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.

- 2 No windows other than those shown on the plans hereby approved shall be constructed

in the south, west and east elevations of the shed without the prior written 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 of the Arun District Local Plan.

- 3 The shed hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 8 Ajax Place, Felpham PO22 7QR as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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.