

Recommendation Report for Planning Permission

REF NO: FP/189/14/PL

LOCATION: 10 Cosens Way
Felpham

PROPOSAL: Change of use of car port to covered storage area and new fence to enclose from adjoining car port.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks permission for the enclosure of an existing brick and tile car port to form a covered domestic storage area for this dwelling. A fence and gate would be erected to separate the present car port area from the other car ports adjoining.

SITE AREA

Not relevant.

TOPOGRAPHY

The locality of the application site is predominantly flat.

TREES

None of any significance in the vicinity of the proposed development or affected by the proposed development.

BOUNDARY TREATMENT

Generally, boundary treatment to the parking courts is characterised by brick walls. The car ports are open fronted.

SITE CHARACTERISTICS

The car port to be enclosed is set at right angles to another car port which serves no.10. Additionally, there is a car space to the front of the car port space which would remain. The application car port is not readily accessible, since it can only be accessed by crossing adjoining car spaces in car ports. It is also blocked in terms of access/manoeuvring by a brick wall. Access to the car port which would remain would be unobstructed and though a shared parking court, over a car space allocated to no.10.

CHARACTER OF LOCALITY

The general character of the locality is reasonably high density residential and of fairly recent construction.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council raises no objections.

One letter of objection has been received on the grounds that the erection of the proposed fence will inhibit entry and exit from their vehicle. Also on the grounds that the car port is 'walkway' which would be obstructed.

Comments on Representations received:

The proposed fence has been set in from the property boundary and allows for the adjoining car port serving no.16 to benefit from a full width of 2.8m. Clearance at the entry point for the car port serving no.16 between the supporting metal posts is 2.5m. The depth of the space would remain at the present 5.4m. This Councils standard for a car parking space is 2.4m x 4.8m. The parking within the car port serving no.16 would therefore be in accord with the standard.

The objector has advised that the developer may not permit the development proposed and that permission is required from the developer. However, this is not a material planning consideration and would quite separately preclude the development proposed if the developer opted to exercise any control they might have. This is a private matter between the applicant, the objector and the developer.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN12](#)

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

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)
[Felpham Neighbourhood Plan 2014 POLICY ESD8](#)

Built-up Area Boundary
The Form of New Development
Parking in New Development
D DM1 Aspects of Form and Design Quality
D SP1 Design
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
Design of new development

Building design

PLANNING POLICY GUIDANCE

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 Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans and the Felpham Neighbourhood Plan.

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

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Ferring; Littlehampton & Yapton. The relevant policies of Felpham Neighbourhood Plan are made reference to in this report.

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. In addition, parking provision remains adequate for the application site and the use of adjoining car parking remains in accord with standards.

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 application seeks to enclose an existing car port by erecting a fence to the presently open side adjoining another car port space serving no.16.

The fence would not be generally visible, except to users of the car ports and the parking court leading to the car ports and car spaces in front of them. It is also partly screened by a brick wall and the car ports in the locale. The use of fencing causes is no significant harm to visual amenity and the impact visual remains largely neutral.

The subject car port is not readily accessible from either of the parking courts which the remaining car ports would be served by. It is located at right angles to a further car space serving no.10 and this must be crossed to access the application car port. Access could be achieved across the adjoining car port serving no.16, but this would result in conflicts if no.16's was in use or its car space occupied. The layout in so far as it relates to the subject car port is not satisfactory and results in the subject car port not being readily usable.

Car parking provision to serve the application dwelling and surrounding development remains satisfactory. Use of the adjoining space is not considered to be prejudiced given the width of space remaining, which is in excess of standards.

It is therefore recommended that planning permission be granted 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 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 received on 07 November 2014:

Location Plan 1:1250
Bovis Homes Transfer Plan FELP-500-2 Rev.G
Site 6 - Phase 3 Base Plan & South View
East View & View of Functional Car Port for no.10 Cosens Way
Existing Plan
Proposed Plan
Detailed Proposed Floor Plan
Fence Details
Land registry Entry

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 **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.