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

REF NO: **FP/197/13/**

LOCATION: 9 Summerley Lane
Bognor Regis

PROPOSAL: Provision of wider access & crossover with replacement gates

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The crossover will be widened from 3 to 4m. The new boundary wall sections will match with the existing wall in height and style albeit with brick pillars to 1.7m high. Timber gates will replace the existing metal railings and be a height of 1.65m (up from 1m but again no higher than the existing wall). Some 4.51m2 of new hard surfacing is also proposed.
TOPOGRAPHY	Predominantly flat where the existing drive meets the pavement but the driveway rises up to the ground floor level of the house by 0.5-1m.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Existing 1.65m high front wall in flint. Black painted metal gates.
SITE CHARACTERISTICS	Detached dwelling in white render with red/brown tiles and yellow painted window shutters. The dwelling is adjacent to a playing field to the south and another detached dwelling to the north. The dropped crossing leads up a short drive to an attached garage.
CHARACTER OF LOCALITY	Main road just south of the A259. Surrounding properties are predominantly two storey detached also with dropped crossings and gates. There is both on and off street parking.

RELEVANT SITE HISTORY

BR/20/52	Detached house	ApproveConditionally 11-03-1952
BR/547/71	Car port	Approve 07-10-1971

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - no objection.

Comments on Representations received:

None.

CONSULTATIONS

Highways Agency
WSCC Strategic Planning

Consultations responses received:

WSCC Highways - From the information submitted there would be no concerns with this application. The existing wall on each side of the access will be removed to improve visibility. There will still be gates in place and these are shown as opening inwards of the site. The works on the highway for the revised access will need to be subject to a licence from the area engineer. If the LPA are minded to approve this application a condition securing any modification to the access should be included. Informative: "The applicant is advised to contact the Coastal Team, Community and Economic Development, Communities and Infrastructure Directorate, Centenary House, Durrington Lane, Durrington, Worthing, West Sussex BN13 2QB to obtain a license for the site access works."

Comments on Consultation responses:

Comments noted. Regarding the condition, refer to the conclusions section below.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area;
Class C Road; and,
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to

be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

It is proposed to widen the existing vehicular crossover by a metre, remove and replace sections of the existing wall and gates and provide new hard surfacing. However, with regard to the new hard surfacing, it should be noted that this is less than 5m2 in area and therefore could be achieved through permitted development rights. WSCC Highways have no objection to the application and it is not considered that the changes would be detrimental to the streetscene or the character of the area. Whilst the gates will be higher than the existing, they are no higher than the existing wall and with the floor level of the dwelling above the height of the road; the new gate will not limit the view of the dwelling to any great extent.

With regard to the WSCC request for a condition securing any modification to the access, it is not considered that this is reasonable given that WSCC will have control over any further works affecting the public highway (including footpath) and that any alterations to the width of the gates/access would not materially affect the streetscene.

It is therefore recommended that consent is granted, subject to the following 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 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 approved plans: "Survey of access MJP04/01"; "Proposed improved access MJP04/02"; "Block /site plan MJP04/03"; "Location Plan MJP04/03A"; and, "Existing and proposed elevations MJP04/04".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 INFORMATIVE: The applicant is advised to contact the Coastal Team, Community and Economic Development, Communities and Infrastructure Directorate, Centenary House, Durrington Lane, Durrington, Worthing, West Sussex BN13 2QB to obtain a license for the site access works.

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.