

Recommendation Report for Planning Permission

REF NO: FP/220/20/PL

LOCATION: Kenwood Court
6 The Midway
Felpham
PO22 7EZ

PROPOSAL: Car port and rearrangement of existing parking spaces.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a car port to the rear of the property and alter the layout of the exiting front garden to provide an additional two spaces and two to the rear.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site has fencing to a height of around 1.8m and some hedging to the rear and side boundaries. The front of the property is open.
SITE CHARACTERISTICS	The site is occupied by a detached dwelling which accommodates 6 individual flats.
CHARACTER OF LOCALITY	The character of the area is predominately residential with Felpham High Street located to the east.
None	

REPRESENTATIONS

Felpham Parish Council provided no objection.

4 letters of objection have been received from nearby occupiers.

- Concerns regarding the height
- Considerable light/shadowing upon our garden (No.4)
- Object to the two spaces to the front of the property. The noise and light would impact the front facing bedroom.
- Works would devalue the property.
- Structure is too high.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusion.
Property value is not a material consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 of the Arun Local Plan.

Felpham has a made and emerging Neighbourhood Plan with policy ESD1 of relevance to the application. The proposal is deemed to comply with this policy.

DESIGN AND VISUAL AMENITY

The proposal seeks to construct a car port to the rear garden of the property. This will be to the rear north west corner and is not visible from the street scene.

The car port will form a three bay covered parking area and is relatively large extending along the northern boundary with a width of 9.9m and depth of 6.8m.

The roof design of the car port will feature a barn hip and will have a height of 5.75m to the ridge with eaves to 2.6m. This has been reduced 0.75m from that previously submitted.

The structure will feature brick with a tiled roof and materials are considered appropriate for the area.

There will also be two separate car parking spaces formed to the rear and two to the front garden, with one forming a disabled bay. There is existing driveway access and parking to the front of the property would not appear out of character with the area, with a similar set up at neighbouring properties.

With the development predominately to the rear of the site, not visible from the wider area, the works proposed are not considered to harm the spatial pattern or character of the area and accord with D DM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

With the car port located to the rear north western corner of the property.

The car port would retain 1m to the north and western boundary and with a height of 5.75m, it would extend above the boundary fence line, giving rise to an overbearing impact. The structure will run along the boundary at nearly 10m and as such is going to be visible from the property to the north at No.4. The car port is also likely to give rise to some overshadowing to the rear garden of No.4 due to its height and siting to the south of their garden.

However whilst the structure would be visible, extending above the fence line, it is not considered the harm would be significant in which a refusal is justified. This is due to the siting of the structure to the rear of the site, which is located some distance from the dwelling and habitable windows of No.4, which features a large rear garden.

The structure retains approximately 8m to the boundary at the south, which is considered sufficient to ensure no adverse impact upon this elevation. There is also sufficient hedging to the west which helps to screen the structure from the property at the rear and there also appears to be an outbuilding to the boundary which again would help limit views of the carport behind. Should the hedging be removed at a later date, it would allow for some views from the occupier at No.12, although this is not considered significant.

There is an existing driveway which runs along the side of the property to the south. The existing block plan shows that parking is currently available to the rear of the site. Therefore, the siting of the parking

area is not considered to give rise to additional noise and disturbance above that which is already achieved with the amount of parking to the rear reduced from that which is already occurring. The car port is not deemed to give rise to harm by way of an increase in noise to nearby occupiers.

Whilst it is noted the height of the structure would give rise to an overbearing impact and some overshadowing it is not considered the harm would be detrimental to the neighbouring occupiers in such that a refusal is warranted and as such accord with D DM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to comply with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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

REFUSE

- 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
- Location Plan - 100

- Proposed Site Plan - 103 A
- Proposed Elevations - 104 A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 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.