

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

REF NO: FP/33/22/HH

LOCATION: 30 Red Barn Crescent
Felpham
PO22 8FB

PROPOSAL: Retention of garden studio in rear garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the retention of a garden studio.

REPRESENTATIONS

Felpham Parish Council - No Objection

One objection received from nearby occupiers:

- The building is too high, it exceeds 2.7m from ground level and blocks a lot of natural light to their garden. It was erected without communication, consideration or the appropriate planning. They believe it is in fact ugly, oppressing, unfinished and unprofessionally built - after 10 months of being there it is not cladded at the rear or on one side. The building is only 1.52m from the exterior wall of their house and has had a detrimental effect on their enjoyment of their garden.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built Up Area Boundary
2km Buffer for Site of Special Scientific Interest
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Felpham Neighbourhood Plan 2019-31 Policy ESD1](#) Quality of Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

CONCLUSIONS**PRINCIPLE**

The key policy is D DM1 of the Arun Local Plan. Part M and criteria outlined in the Arun Design Guide is also considered.

Felpham has a 'made' Neighbourhood Development Plan, of which Policy ESD1 is relevant. This policy is concerned with the design of development and states new development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design, and contribute to local character by creating a sense of place appropriate to its location.

DESIGN AND VISUAL AMENITY

The studio is located to the rear of the property, and is not visible from the public realm.

The studio is a modest size, measuring 5m wide and 3.13m deep. It has a flat roof which, although differing to the gable roof of the host building and garage, does not appear out of place and is acceptable for the outbuilding, having no significant harm on the visual amenity of the property. It cannot be seen from the street scene, being to the rear, and as such has no impact on the composition or appearance of the street. The property itself is situated in area with a set character, comprised mainly of detached and semi-detached two storey properties, of similar style and design. The studio is more contemporary in its style than the surrounding context, but is not unduly out of character with the area, and is acceptable in terms of design.

The studio is clad in light grey Haldie Boarding, and has a felt roof. This differs to the host, of which is brick with tiled roofing, and as such causes some contrast with the existing. This contrast is not overly significant however, and does not have a detrimental effect on the visual appearance or character of the property, especially considering the studio is a separate outbuilding. It is a relatively tall development, but is not unduly inappropriate in terms of scale and massing for its location. It retains a sufficient amount of garden amenity space, and is not obtrusive to the property.

Whilst not an extension, guidance set by Arun Design Guide is still relevant for outbuildings. This guide states that rear developments should respond to the distinctive characteristics of the building and surrounding area, preserve external garden amenity space and exploit opportunities for innovative and contemporary design where appropriate. The studio is more contemporary in style to that of the host, but is appropriate considering its scale and location. It is not unduly out of character with the area, and is an acceptable development, having minimal harm on visual amenity. This is in accord with the Design Guide.

Although differing in design to the host, the development does not have an adverse impact on visual amenity, and has minimal harm on the character of the surrounding area. It accords with D DM1 of the Arun Local Plan, ESD1 of the Neighbourhood Plan, and Arun Design Guide.

RESIDENTIAL AMENITY

The studio is single storey and has a flat roof, measuring approximately 2.65m tall, and 2.5m when taken from the level of the artificial grass.

Concern has been raised regarding the height of the proposal, and its distance from neighbouring properties. The studio retains 3.5m to the north boundary, 0.25m to the east, and 0.3m to the south.

Although close to the boundaries, the studio is in accord with D DM4 (d), as it is a ground floor development and does not need to retain at least 1m from the nearest boundary. However, these close distances do result in some overbearing and overshadowing of neighbouring properties, especially No.10 to the east, and as such have some negative impact. No.10 is separated from the host by a 1.8m high fence, and bamboo fence which sits approximately 0.4m above. The studio protrudes above this boundary treatment, and is clearly visible from the neighbours garden. This causes some overshadowing and overbearing of No.10, but given the building does not sit considerably above the fence line, is not significant enough in terms of grounds for refusal. The building does not conflict the 60 degree rule when taken from the neighbours rear window, as recommended for use by the Arun Design Guide, and is much lower than the suggested 3.3m height limit. As such, it does have some impact the residential amenity of this neighbour by increasing the shading of their garden, but is not unacceptably detrimental given its scale, and is acceptable.

The studio features a window to the north elevation, and doors to the west. These features do not directly overlook any neighbouring properties, and will have little harm on residential privacy or amenity.

Arun Design Guide states that developments should not negatively impact, and instead protect, neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings, and respond to existing elevations through the size and positioning of doors and windows. The studio results in some overshadowing and overbearing of neighbouring properties, but is not unduly intrusive or harmful. It does not result in overlooking of any neighbouring properties, and has no adverse impact on residential amenity. This is in accord with the Design Guide.

The development results in some overbearing and overshadowing of neighbouring properties, but is not unduly harmful to residential amenity. It is in accord with D DM1 and D DM4 of the Arun Local Plan, and Arun Design Guide.

SUMMARY

The proposed development is deemed to accord with the 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.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan
- Block Plan
- Proposed Floor Plan, Elevations, Roof Plan 79/22/01

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.

- 2 **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.