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

**REF NO:** **FP/40/17/HH**

**LOCATION:** 16 Bulbeck Way
Felpham

**PROPOSAL:** Attached garage to side elevation.

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | Attached single storey side garage with side facing gable end roof. The garage would project modestly to the rear and have an outward opening door to front, top hung. |
| SITE AREA | Approximately 160 sq.m |
| TOPOGRAPHY | Predominantly flat |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | The property is open plan to the front and has a 1.8m high timber fence to the side. |
| SITE CHARACTERISTICS | The site comprises a two storey end terraced property built of brick and with a tile roof. The property has two off street parking spaces. To the side of the property there is a pedestrian pavement to the open area and parking at the rear of the terrace. |
| CHARACTER OF LOCALITY | Modern residential estate made up of similar style properties and plot sizes. |

## RELEVANT SITE HISTORY

| | | |
|---|---|---|
| FP/224/16/HH | Retention of side extension | Refused 23-11-2016 |

Current side lean-to structure refused planning permission in 2016.

## REPRESENTATIONS

**Representations received:**

Felpham Parish Council

No objection.

**Comments on Representations received:**

Comments noted.

## CONSULTATIONS

**Consultations responses received:**

None.

**Comments on Consultation responses:**

N/A.

## POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

### DEVELOPMENT PLAN POLICIES

| | | |
|---|---|---|
| Arun District Local Plan 2003: | DEV19 | Extensions to existing residential buildings |
| | GEN12 | Parking in New Development |
| | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |
| Publication Version of the Local Plan (October 2014): | | SD SP2 Built-Up Area Boundary<br>D DM1 Aspects of Form and Design Quality<br>D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)<br>D SP1 Design |
| 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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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.

Arun District Council's Development Plans:

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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; 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).

Felpham NDP policy ESD1 is relevant to this application.

**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 garage will have a similar appearance to other garages on the site and will have a residential appearance and materials to match existing which will be controlled via condition. The development is considered to be subservient to, and respect the character or the host dwelling and surrounding area.

RESIDENTIAL AMENITY

The development would be single storey and located to behind the rear gardens of 10 and 12 Bulbeck Way. Both these properties have detached single storey outbuildings to the rear. As such there will be a very limited impact on neighbouring residential amenity and no other neighbouring dwellings will be directly or significantly affected by the proposal.

OTHER MATTERS

The garage is to replace an unauthorised side lean to, timber framed structure which has been refused planning consent. The application will be recommended for approval subject to the unauthorised timber structure being removed within 3 months of the approval date of this application.

The application 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 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 IMPORTANT

The existing unauthorised, single storey timber side structure refused by application FP/224/16/HH shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 15th July 2017.

Reasons:

To enable the removal of an unauthorised structure and remove a breach of planning control on the site which detrimental to the visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the building in accordance with policy GEN7 of the Arun District Local Plan.

3 The materials and finishes of the external walls and roof of the garage hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

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

Site/Block Plan
P81
"OUR HOUSE"
"EAST ELEVATION"
"FRONT ELEVATION (SOUTH)"
"REAR ELEVATION (NORTH)"
"WEST ELEVATION"
"WINDOW"

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.

5 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.