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

REF NO: **FP/44/16/HH**

LOCATION: 23 Davenport Road
Felpham

PROPOSAL: Replacement detached garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to replace an existing garage which has a partly pitched roof and partly sloping (flat) roof with a garage and lean to side covered area which would be of a similar footprint to the existing. The proposed garage would appear visually as a single building with no lean to and have a pitched roof with small gabled dormer facing the rear of the application dwelling, but no first floor/room in roof and a front gable facing The Ridgeway. Eaves height would be 2.5m compared to 2.25m existing and ridge height would be 5.2m compared to 3.4m. The proposed garage would be located at the northern end of the rear garden of no.23, it would be set back from the road boundary by 3.5m and slightly away from the rear boundary with the dwelling to the rear.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The side site boundary is 1.5m open trellis fencing with a 2m-3m hedgerow in front. The boundary with the dwelling to the rear is the deep garage of that dwelling which is flat roofed at the front and pitched roofed further back from the road.
SITE CHARACTERISTICS	The site is occupied by a two storey dwelling which is white rendered and has a plain tile roof. The site is as has already been described above.
CHARACTER OF LOCALITY	The character of the area is residential.

RELEVANT SITE HISTORY

FP/231/89	To erect Sun Lounge to south elevation	ApproveConditionally 05-02-1990
FP/144/90	Proposed lobby	ApproveConditionally 15-10-1990
FP/272/07/	Single storey extension and veranda	ApproveConditionally 25-01-2008
BR/774/84	Extension to form additional bedroom on 1st floor	ApproveConditionally 03-10-1984

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council has raised no objection.

The occupier of the dwelling to the rear (north) of the site has commented as follows:

We live at 30 Minton Road adjacent to 23 Davenport Road (as shown on the plans). The proposed
development is much higher than the existing garage and will restrict our view to the South. It is also higher than most garages in the surrounding area.

There are no dimensions on the plans and it is therefore not possible to gauge the eventual height of the development. Surely all dimensions should be included on the plans so that a definite overall height can be discussed and agreed by all interested parties.

There is a requirement on Beach Estate that all sign-written trade vans should be parked off-road on the driveway. In this case , by re-positioning the garage further back it will enable this requirement to be satisfied. However, it will be necessary for the plans to detail the appropriate dimensions to show this is possible.

Comments on Representations received:

Noted. The issues relating to parking of trade vans are private ones and not a material planning consideration. The dimensions of the proposal are measurable using available tools on the Councils website. The impact of the proposal is considered in the Conclusions section of this report.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5		Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD10		Design details

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.

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 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

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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Felpham Neighbourhood Plan has been Made and the following policies are of relevance to the application:

Policy ESD1: Design of new development.
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 must contribute to local character by creating a sense of place appropriate to its location.

Policy ESD5: Surface water management.
All development proposals other than minor household or commercial extensions (less than 10% increase in floor space) will be required to provide a surface water management plan detailing methods of dealing with surface water arising from development, and will be supported provided that the development would not compromise the emerging Surface Water Management Plan for the Lidsey Catchment or the Aldingbourne and Barnham Rife Strategy.

Policy ESD10: Design details
The following items must be considered early in the design process and integrated into the overall scheme:
- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting
- flues and ventilation ducts
- gutters and pipes
- satellite dishes and telephone lines

The proposal amounts to a replacement garage and does not give rise to significant development which would give rise to surface water issues, nor is it of a scale where it would be reasonable to require details or provision relating to policy ESD10. The development is generally in accord with Development Plan and Neighbourhood Plan policies.

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

PRINCIPLE

The site is within the built-up area where the principle of development is acceptable, subject to according with planning policies. The main criteria against which the application will be assessed is the Arun District Local Plan policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and D SP1 in the Emerging Local Plan are also considerations, these seek to ensure development would not have an adverse impact upon visual and residential amenities. Other criteria are policies ESD1, ESD5 and ESD10 in the Felpham Neighbourhood Plan.

DESIGN AND VISUAL AMENITY

The proposed garage is located at the very rear of the site and its design, whilst introducing a greater vertical emphasis due to a steep roof pitch and higher ridge is considered to be acceptable in terms of visual appearance. The introduction of the dormer facing the rear of the subject dwellings adds visual interest. The design is not considered to be incongruous or intrusive visually in the street scene and will also result in an improved appearance to that of the existing garage.

The development is considered acceptable in design and amenity terms and consistent with policies.

RESIDENTIAL AMENITY

The increased height of the garage will result in increased impact on outlook from the dwelling to the rear. However, there is that dwellings own garage intervening and this has a pitched roof in part which is located alongside the proposed garage. Separation from the dwelling to the rear is some 18m and taking into account the intervening garage it is not considered that the proposed garage would be unduly dominant, whether from the rear of that dwelling or from the garden. Impact on any views southwards towards the sea are not planning consideration.

The development is considered to be acceptable in residential amenity terms and consistent with policies.

OTHER

The proposed garage preserves the existing hard surface depth in front of the garage. Parking remains as existing and the proposal does not give rise to an additional parking requirement.

It is therefore recommended that the application be approved, 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 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

In assessing this proposal the Neutral 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).

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 drawing:

Drawing Number 16/04/02 - Existing & Proposed Plans & Elevations - Dated February 2016

Reason: For the avoidance of doubt and in the interests of amenity and the environment and in accordance with policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed garage has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the garage.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance the area by endeavouring to achieve a building of visual quality in accordance with policies GEN7 and DEV19 of the

Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

4 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.