

**Recommendation Report for Planning Permission for Works or Extension to a Dwelling****REF NO:** FP/44/25/HH**LOCATION:** 11A Outerwyke Avenue  
Felpham  
PO22 8JH**PROPOSAL:** Erection of a carport.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION** As above.**REPRESENTATIONS**

Felpham Parish Council - object and the proposed application is forward of building line and not in keeping with the street scene.

No representations from nearby occupiers.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:****TREE OFFICER**

Trees are a material consideration in the planning process; it is likely that two mature oaks will overlap the development. Both are subjects of a Tree Preservation Order. The applicant has provided no arboricultural information so I can only comment in broad terms.

The car port will be in part beneath the crown spread of the on-site oak. This will inevitably lead to large quantities of material from the tree being deposited upon and around the structure, entering gutters, gullies and being trod into vehicles, which may well become aggravating.

The root spread of both oaks could be affected by the proposed excavation necessary to provide an enduring concrete pad. The block plan suggests a construction depth of 400-800mm below ground level. This would be harmful given the majority of a tree's root system is found within the upper 600mm of soil and the material is impermeable, reducing infiltration and gaseous exchange.

Furthermore, it is proposed to create an additional new area of hardstanding (driveway) within the root spread of both trees to complement the new entrance, and install a soakaway the location of which has not been shown.

**Conclusions:**

Notwithstanding the absence of any arboricultural information, I consider the proposal ill-conceived due to the numerous and predominantly unsurmountable tree constraints. There is value in drawing attention to the level of information we require when considering development in proximity to established trees, should any future application be submitted:

BS5837:2012 - Trees in relation to design, demolition and construction, recommends at minimum, submission of an Arboricultural Impact Assessment and Tree Retention/Removal Plan (finalized) with retained trees and root protection areas shown on proposed layout, be delivered into the planning system at this stage. Furthermore, an Arboricultural Method Statement and Tree Protection Plan would be necessary; to demonstrate how retained and off-site trees could be protected during implementation.

Recommendation:

I recommend refusal for this application.

## POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order (TPO Ref. - BOGNOR NO.5).

Built-Up Area Boundary.

## 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)
ENVDM4	ENV DM4 Protection of trees

### Felpham Neighbourhood Plan 2019-31 Policy      Quality of Design

### ESD1

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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## CONCLUSIONS

### DESIGN AND VISUAL AMENITY

The car port would be sited to the front (east) of the property, beyond the principal elevation of the dwelling close to the front site boundary. The front boundary features a low fence, and views of the proposed car port would be readily available from the street scene.

The detached front car port would be set in 3.84m from the front (east) boundary, 0.3m from the southern side and 4.9m from the northern side boundary. The garage would measure 5.4m in depth by 6.22m in width by approx. 3.1m in total height with an eave's height of 2.2m. The materials used for the walls would be feather edge boarding and the car port would feature a tiled roof to match the existing dwelling. Whilst the materials proposed for the garage are acceptable, the siting and scale of the garage would not be in keeping with the character of the host dwelling, street scene or wider area.

The Arun Design Guide states that developments and extensions should respond to the distinctive characteristics of the building and surrounding area, by taking a simple and unobtrusive form which does not overpower the existing or neighbouring properties, while taking the opportunity to incorporate innovative design if appropriate and maintaining established building lines. The scale and siting of the proposed car port would be obtrusive in this location, disrupting the established building line, and it would appear incongruous within the street scene.

Although the proposed car port would be single storey, the siting and scale of the development would not be sympathetic and would be harmful to the established building line and character of the street scene and wider area. There are no other structures forward of the principal elevation along Outerwyke Avenue and as such, the proposal is considered to be an unsympathetic addition to the street scene that would not reflect or enhance the character of the locality. The low front boundary fence would not screen the car port and given its height of 3.1m and proximity to the front boundary, the garage would appear overbearing in its context. As such, the proposed development would be contrary to policy D DM1 of the Arun Local Plan.

The car port, by reason of its siting and scale, would appear out of character within the street scene of Outerwyke Avenue. The development would be a visually obtrusive form of development and would result in demonstrable harm to the character of the locality and visual amenity of the host dwelling, street scene and wider area. The proposed development is therefore contrary to policies D DM1 of the Arun Local Plan, Part M of the Arun Design Guide and Felpham Neighbourhood Policy ESD1.

#### RESIDENTIAL AMENITY

The Arun Design Guide states that extensions should not negatively impact, and instead protect neighbouring amenity in terms of privacy, consider the positioning of neighbouring buildings, and respond to existing elevations through the positioning of doors and windows.

The car port would be a single storey structure and given its siting would not appear overbearing or result in any adverse overshadowing of neighbouring properties. Given the siting of the car port, it would not result in any unacceptable overlooking.

The development would not result in adverse overbearing impacts and loss of privacy and is in accordance with policy D DM1 of the Arun Local Plan in this regard.

#### TREES

Two mature oaks will overlap the proposed development and are subjects of a Tree Preservation Order. The applicant has provided no arboricultural information to demonstrate how the trees would be protected during implementation stage. It is noted that the tree officer has recorded an objection to the proposed works and in the absence of arboricultural information that detail protection measures of these trees during the proposed works, the proposed development is considered to unacceptably impact the roots and/or vitality of these trees in conflict with Policy ENV DM4 of the Arun Local Plan.

Overall, the proposed works as is will be harmful to ongoing tree health and vitality, with a corresponding loss of visual amenity in conflict with Policy ENV DM4 of the Arun Local Plan.

#### SUMMARY

The proposed car port, by reason of its siting and scale would appear unduly prominent within the street scene of Barnham Road. The proposed development would be a visually obtrusive form of development and would result in demonstrable harm to the character of the locality and visual amenity of the host dwelling and street scene. The proposed development is therefore contrary to policies D DM1 of the Arun Local Plan and the NPPF (2024). Additionally, in the absence of arboricultural information the proposed works are considered to unacceptably impact the roots and/or vitality of these trees in conflict with Policy ENV DM4 of the Arun Local Plan.

#### 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

REPORT\_1011(ODB)

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

#### REFUSE

- 1 The car port, by reason of its siting and scale, would appear unduly prominent, incongruous and out of character within the street scene of Outerwyke Avenue. The development would result in demonstrable harm to the character of the locality, the street scene and wider area. The development is contrary to policies D DM1 of the Arun Local Plan and the NPPF. In the absence of arboricultural information, the proposed works are considered to unacceptably impact the roots and/or vitality of these trees in conflict with Policy ENV DM4 of the Arun Local Plan.
- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.