Recommendation Report for Planning Permission

REF NO: **F/20/17/PL**

LOCATION: 1 Northwood Cottages
Burndell Road
Yapton

PROPOSAL: Variation of conditions 2 & 7 imposed under F/6/17/HH relating to extension to 10 years for cabin to be removed & allow doors & windows on East elevation to be clear glass & opening to full height.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal is to amend condition 2 of the previous approval to allow retention of the caravan for 10 years and to remove condition 7 requiring obscure glazing to windows. The original application F/6/17/HH granted permission for the siting of a cabin measuring 7.2m in length by 5m wide. It would have a single bedroom with a lounge/kitchen area and shower room. The shallow pitched roof has an eaves height of 2.4m and a ridge height of 3.9m. It would be installed on blocks 0.45m in height.

Condition 2 stated "The cabin hereby permitted 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 30-06-2021.

Reason:
The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period."

Condition 7 stated "The windows and glazed section of the door on the east elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above finished floor level.

	Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.''
SITE AREA	572 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling/fencing on boundary to approx. 2m height
SITE CHARACTERISTICS	Semi detached dwelling with a 2 storey extension to the side. Brick elevations. Rear garden contains a large greenhouse approx. 10m long adjacent to western side boundary with a shed in front.
CHARACTER OF LOCALITY	Predominantly rural

RELEVANT SITE HISTORY

F/6/17/HH	1no. self contained 1 bed cabin	ApproveConditionally 19-06-2017

REPRESENTATIONS

Representations received:

Ford Parish Council

Objection - The previous decision made was appropriate and materially correct for the application.

Comments on Representations received:

The applicant has reasonably requested further consideration of 2 of the imposed conditions. They consider that adequate boundary screening and fencing is in place and that 5 years is not an adequate return on the investment made in purchasing and installing the caravan.

CONSULTATIONS

Consultations responses received:

- none

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design

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 has taking place. 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. The examination is due to re-commence in Autumn 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; 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).

Ford does not yet have an adopted Neighbourhood Plan, the examination into the plan was due to commence this week but has been suspended. However there are no relevant policies in the emerging plan.

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

The site lies within the built-up area boundary adjacent to countryside. The cabin would be located within a residential curtilage that benefits from some screening from a greenhouse located in the garden and would have a relatively limited footprint and height. It is therefore considered that it would not compromise the visual amenities and character of the area.

One of the key issues in considering this application is to ensure that the cabin does not result in the creation of a separate planning unit. The accommodation would be ancillary to the main dwelling in that it has no delineated separate pedestrian or vehicular access, parking or garden area. These existing facilities would be shared. The drainage from the cabin would be piped to an existing manhole on the side of the main dwelling. It is intended to be used for by the applicant's daughter and son in law to be. The nature of the use and type of structure would limit the period of occupation which is proposed to be controlled by condition. Whilst the unit is self contained it

would have a physical dependency on 1 Northwood Cottages. The cabin is also of modest size and would be observable from windows in the main dwelling. It is currently not in a position within the curtilage that would easily facilitate any future severance and it is conditioned access that access is from the site frontage to ensure this dependency is retained. It is possible that this could change in the future with the adjacent approved development, if implemented. The reference to gated access onto the adjoining land was removed from the previous application. It is proposed to condition the building to be temporary and incidental to the dwelling house to monitor the use and control the nature of the use. A four year time limit was previously imposed, but the applicant considers that this is not reasonable given the time and money that will need to be invested initially in providing the mobile home. The reason for the application was to provide his daughter with a home whist allowing her the opportunity to save for a home, but he believes that the property market is unlikely to change significantly in 4 years so the need for the home would exceed the time limit. There would be an opportunity to renew the position if/when any temporary permission is submitted, but there is no guarantee that this would be approved and this uncertainty concerns the applicant given the financial outlay. He is requesting that the time limit is increased to 10 years. Given that the Local Planning Authority would still retain control, albeit after a longer period and the structure is likely to last 10 years without harmfully deteriorating visually it is considered that the requested time limit is acceptable

The quality of design of the cabin building is limited and utilitarian and the final materials would be the subject of a condition to ensure that it does not detract from its rural surroundings.

A site licence will not be required for the use of land as a caravan site since the use is incidental to the enjoyment of a dwellinghouse within the curtilage on which the cabin is situated.

In terms of residential amenity the additional ancillary accommodation would increase the activity at the site, but the dwelling has a reasonably large curtilage and the size of the accommodation is limited. In addition the cabin is sited on the western boundary 6.5m from the boundary with the dwelling to the east which would not result in materially adverse overbearing impacts and would not encourage additional activity on the boundary.

The applicant is seeking to remove condition 7 which requires obscure glazing. The cabin would be located on blocks 0.45m in height and would have an eaves height including the supports of 2.45m with a bedroom and lounge window and entrance door facing the neighbour. The head height of any occupier is therefore likely to be approx. 30cm above the fence line. This is not adequate to see over the fence to an extent that results in materially adverse overlooking. The cabin would also be a distance of 6.5m from the boundary and there is mature and established planting and hedging along the boundary. In addition no comment has been received from the neighbour. It is therefore considered that the requirement for the windows and door on the east elevation to be obscure glazed is overly restrictive and unreasonable and the condition should therefore be removed. On this basis condition 6 which restricts further windows in this elevation is also necessary and is also therefore removed.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL
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 The cabin hereby permitted 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 30-09-2027.

Reason:
The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period.

3 The development hereby approved shall be carried out in accordance with the following approved plans:
Block/Site Plan 1:500 and 1:200, Elevations and Revised Floor Plan.

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.

4 No development shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed cabin have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the lodge.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

5 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 1 Northwood Cottages as a dwelling and shall not be used as a separate unit of accommodation and the entrance to the cabin shall be gained from the site frontage of 1 Northwood Cottages only .

Reason: To accord with policies GEN7 and GEN3 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings and would adversely affect the character of the area.

6 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.