

Recommendation Report for Planning Permission

REF NO: F/25/21/PL

LOCATION: 8 Beagle Drive
Ford
BN18 0NY

PROPOSAL: Retention of prefabricated concrete workshop at rear with rear access onto Lewis Lane & realignment of the rear boundary (resubmission following F11/21/PL). This application is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the retention of a concrete prefabricated workshop to the rear of the property. This application also seeks approval of proposed amendments to the structure, such as removal of a garage style roller door and alterations to the external finish.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Pre-existing - 1.8 timber fence. Existing - The workshop now forms the rear boundary of the property.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

F/11/21/PL	Installation of a prefabricated concrete workshop at rear of properties garden with rear access onto Lewis Lane and retrospective application for the historical realignment of the rear boundary fence. This application is in CIL Zone 2 (zero rated) as other development.	Withdrawn 22-09-21
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Application F/11/21/PL for retention of the workshop and access onto Lewis Lane, was withdrawn by the applicant on the basis that WSCC would not grant a license for an dropped curb on to Lewis Lane. Highways also noted that they would not support the concrete hardstanding fronting onto Lewis Lane nor the roller garage door, in case of illegal conversion in the future. The applicant has now submitted this amended application for the retention of the workshop only, it was noted whilst visiting site the hardstanding has been removed. Should this application be successful then alterations to the workshop as shown on plan, including the removal of the garage roller door will also be undertaken by the applicant.

REPRESENTATIONS

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways - No unacceptable impacts on highway safety.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Built Up Area Boundary (BUAB)

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)
TSP1	T SP1 Transport and Development

[Ford Neighbourhood Plan 2019 Policy H1](#) 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
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 accords with the relevant development plan policies.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy T SP1 requires that development does not have an unacceptable adverse effect on highway safety.

Part J.01 of the Arun Design Guide relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced. Part J.02 relates to building design and their scale and massing and states that development for new buildings or extensions to existing properties should have an appropriate scale determined by their context, function and positioning stating that buildings within coastal towns will tend to have a larger scale.

Policy H1 of the Ford Neighbourhood Plan outlines proposals for new housing or extension or alteration of existing housing must be of high quality, and designed to be sympathetic to the local design style and contribute positively to the environment.

DESIGN AND VISUAL AMENITY

This application seeks to retain a prefabricated concrete workshop located within the rear garden of the application site. Due to the properties location its rear boundary fronts Lewis Lane, the garage now forms part of the rear boundary treatment. The workshop measures 3.6m by 3.6m and is an overall height of 2.8m with eaves at 2.5m.

Its size and scale almost conforms with Class E of the GPDO and therefore Permitted Development. It is noted it is 300mm taller than Permitted Development allowances, this minimal increase is not seen to warrant refusal. The application form indicates that the front (fronting Lewis lane) will be clad in brick,

however this is considered to be incongruent in the street scene as no other brick walls can be seen to the boundaries of the properties in the immediate area. A condition will be placed on to this application requesting a more harmonious choice is made. A timber finish would be most appropriate.

Other garden buildings, shed etc. can be seen above the fence lines of other properties in this immediate location. Given is appropriate size and scale and as its' material choice as conditioned to be more in-keeping, it is believed that structure will be subservient to the street scene. Additionally, as it is located to the rear of the dwelling it is considered subservient to the host dwelling.

It is considered that retention of the pedestrian door onto Lewis Lane is beneficial to the occupiers of 8 Beagle Drive by reason that it enables them not to have to take bins through their home. It will act just like a rear garden gate, other properties in this location have rear access gates to their gardens. It will be conditioned that the door is to open inwards as suggested by highways, so that the development doesn't encroach further than necessary onto highways land.

Having regards to the design and visual amenity of the structure the workshop complies with policy D DM1 of the Arun Local Plan and Policy H1 of the Ford Neighbourhood Plan.

RESIDENTIAL AMENITY

By reason of its appropriate size and scale and location at the rear of the garden the structure will not be overbearing or overshadow neighbouring properties. There are no concerns with overlooking as no habitable space will be created by approving this application. The workshop is to be use for bike and bin storage.

The application is not thought to have any negative impacts by means of overlooking, overshadowing or by being overbearing in accordance with Policy D DM1 of the Arun Local Plan.

HIGHWAYS

Comments from highways state that the workshop may be partially positioned on highways land (grass verge), the application redline does include the grass verge. Measurements from submitted plans suggest that the building is a maximum of 1.6m from the edge of the highway and as such the section of highway now forming part of the footprint of the workshop site will require a formal application to 'stop up' the area. An informative will be attached to this decision notifying the applicant of their responsibilities.

A condition relating to the inwards opening of the garage door, will maintain all development within the applicants land, or within the limits to be stopped up by formal agreements. This will protect the amenities of adjoining neighbours.

The location and extent of use of the garage is such that a severe adverse impact on highway safety will not arise and is therefore compliant with policy T SP1 of the Arun Local Plan.

SUMMARY

For the above reasons the proposal is policy compliant and recommended for permission 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 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 CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Within a period of 3 months from the date of this permission a schedule of materials and finishes to be used for external walls of the proposed building should be submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 2 The door hereby approved fronting onto Lewis Lane shall be hung so that it swings into the property and retained as such in perpetuity.

Reason: In the interests of containing development within the site as owner by the applicant and protect the amenity of adjoining residents in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 3 **INFORMATIVE:** If it is determined that the workshop building does obstruct public highway, the applicant would be advised that the land subject of this application which is considered to be publicly maintained highways should be formally stopped up via the appropriate legal mechanism. The applicant would be advised to contact WSCC Legal Services to find out further information about the Stopping Up procedure and how to commence an application.
Email: legal.services@westsussex.gov.uk

- 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 identifying matters of

concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.