

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

REF NO: F/6/17/HH

LOCATION: 1 Northwood Cottages
Burndell Road
Ford

PROPOSAL: 1no. self contained 1 bed cabin

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is 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

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/25/87	Garage with bedroom over	ApproveConditionally 21-12-1987
F/7/11/	Alterations to roof at rear of property	Refused 27-05-2011

REPRESENTATIONS

Representations received:
Ford Parish Council

Objection - The application was in fact for a permanent one bedroom property in a rear garden.

Their letter 17/3/17 states it is for 'independent accommodation' Application correspondence 13/4/17 changes and states that it is ancillary to the main property and the access is via the existing property side entrance and is for sole 'family use'.

The application proposes an entry way from a road that does not yet exist and does not show any proofs that the land owner has granted permission for it to be included in the application. If a roadway is built, there are no documents showing they will have permission to use that road.

The same applies to their intention of connecting to the new sewers.

Comments on Representations received:

The application was originally submitted with access proposed from the recently approved housing development to the side of the dwelling. The inclusion of the access was deleted before the application was registered and to avoid confusion one of the block and site plans which referred to gated access have been recorded as 'not forming part of the application' to ensure that any permission does not make reference to the gate. The adjacent development has not yet been constructed and is currently a field. It is proposed to condition the accommodation to be ancillary with access from the front of the dwelling only to ensure that it remains ancillary to the main dwelling and that any gated access to serve the unit would require consideration as a later application.

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:](#)

PLANNING POLICY 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; 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 have an adopted Neighbourhood Plan.

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 has been removed from the 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.

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.

However 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 which at a distance of 6.5m and height of boundary fencing of 2m could result in adverse overlooking. It is therefore proposed that the windows and door on the east elevation are obscure glazed below 1.7m.

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 30-06-2021.

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.

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the east wall of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 7 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.

- 8 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.