

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

**REF NO:** K/14/17/HH

**LOCATION:** Farthings  
Brookside Road  
Kingston

**PROPOSAL:** Conversion of existing garage and erection of an attached garage

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | <p>As above</p> <p>The proposed garage will measure 5.6m deep, 5.5m wide and 3.7m high (max). The garage will have a hipped roof.</p> <p>The proposed garage conversion involves the removal of the existing arch features and replaced with two windows.</p> <p>Materials would match the existing property.</p>                                                                                                                                          |
| SITE AREA                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| TOPOGRAPHY                            | Predominantly flat                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                                             |
| BOUNDARY TREATMENT                    | There is currently an approximately 600mm high stone wall that follows the front boundary of the site.                                                                                                                                                                                                                                                                                                                                                     |
| SITE CHARACTERISTICS                  | The site is occupied by a detached chalet style dwelling which has painted render elevation walls and a red tiled gable roof with front facing dormers. There are two gable roof single storey side extensions and a flat roof porch to the front. There is also a detached flat roof garage to the front of the dwelling with a conservatory link. The dwelling is set back from the road and is partially screened by landscaping on the front boundary. |
| CHARACTER OF LOCALITY                 | The site is located on a quiet spacious road which is lined by well spaced residential dwellings of a mixture of designs with mature landscaping to the front and between                                                                                                                                                                                                                                                                                  |

dwellings.

#### RELEVANT SITE HISTORY

|            |                                                                                            |                                    |
|------------|--------------------------------------------------------------------------------------------|------------------------------------|
| K/14/09/   | New front boundary metal railings/gates and pillars                                        | ApproveConditionally<br>20-10-2009 |
| K/39/16/HH | Removal of existing garage & conservatory & erection of single storey side/front extension | ApproveConditionally<br>19-12-2016 |

Planning permission was granted for removal of existing garage & conservatory & erection of single storey side/front extension in 2016, this decision is material to the current proposal.

#### REPRESENTATIONS

##### Representations received:

Kingston Parish Council

Kingston Parish Council objects to this application because the proposed attached garage is too far forward of the building line and makes an incursion into the frontage of the property.

No representations received in response to public consultation. One letter received from the applicant as follows:

I have noted that the Parish Council has raised an objection to the amended planning permission on the basis that the new proposal is forward of the frontage of the property. As you will note the new planning application reduces considerably the amount of demolition of the existing property, as well as reducing the height of the proposed new roof, both changes reducing the burden on surrounding amenities. The new extension is c.3mtrs nearer the front boundary of the plot than the previously approved application but does not interfere with any surrounding properties and cannot be seen from the roadside due to the proliferation of established trees and shrubs. Therefore, the slight repositioning should not be of major concern. In addition, other properties on the Kingston Gorse estate have garages that are situated much closer to their boundaries than the proposed amendment and I believe that sets a precedent for my proposal. Overall, the amended planning application is less onerous on the surroundings and will cause less disturbance to neighbouring properties. .

##### Comments on Representations received:

Comments are noted and addressed in the conclusions of this report. However, it is worth noting that precedent alone is not a reason for granting permission and each case needs to be considered on its own merits.

#### CONSULTATIONS

##### Consultations responses received:

None

##### Comments on Consultation responses:

None

#### POLICY CONTEXT

Designation applicable to site:

Built Up Area

No public Sewer

## DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2  
GEN7  
DEV19

Publication Version of the Local  
Plan (October 2014):

Built-up Area Boundary  
The Form of New Development  
Extensions to existing residential buildings

D DM1 Aspects of Form and Design  
Quality  
D DM4 Extensions and Alterations to  
Existing Buildings (residential and non-  
residential)  
D SP1 Design  
SD SP2 Built-Up Area Boundary

Kingston Neighbourhood Plan 2014 Policy KPNP7 DESIGN & DEVELOPMENT

## PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

### 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).

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

##### **PLANNING**

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 application site is situated within the built up area and within an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed garage conversion would provide for the loss of the flat roof and arches with a pitch roof, albeit slightly higher than the flat roof and two windows. The existing garage is of little architectural merit and the proposed changes are not considered harmful to the character of the existing house and the wider area. The proposed garage does extend the building on this side of the property by a further 5.6 . This would bring the development closer to the road with a proposed set back of 4.5m as compared against the previously approved scheme for an extension which had a set back of 7.1m. However, it is noted that the surrounding area has a mixed appearance and a number of properties have part of the building or structures close to the road. The current proposal will introduce a longer limb than many of these other properties it is considered against this varied character and size and shape of houses. The proposal would be seen from the road albeit there is mature boundary treatment which will soften this visual impact. The uniform design beneath a pitched roof is also visually more attractive than the existing structure. Materials of both extensions would match the existing house.

The proposed extension would be sited 0.9m off the side boundary with West House to the north. The proposed extension although large when considered on its own is still considered subservient to the main house and given the previous approval although slightly further away front boundary, is not considered harmful to the character and appearance of the host property or the wider character of the area.

There are no windows proposed in the side elevations with the main windows facing onto the front of the property and one window to the rear, therefore, it is not considered that the proposed extension is harmful to the privacy or outlook of the occupiers of the adjoining property, West House. Although the proposed extension is forward of the front elevation of West House given the separation distance to the front of West House and having regard for the boundary treatment and the existing structure the proposed development is not considered to be harmful to the amenity enjoyed by the occupiers of West House due to loss of outlook either.

There are no parking implications arising from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an unacceptable adverse impact on the visual or residential amenity. The proposed development is therefore recommended for approval subject to the following conditions.

## **HUMAN RIGHTS ACT**

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 development hereby approved shall be carried out in accordance with the following approved plans .site plan, block plan, 16/1171/01, 16/1171/03, 16/1171/07 & 16/1171/08

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.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 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

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planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.