

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

REF NO: K/1/22/HH

LOCATION: Nantucket
Gorse Avenue
East Preston
BN16 1SG

PROPOSAL: Proposed outbuilding to supersede previous outbuilding consented under application reference No. K/23/19/HH.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposed outbuilding measuring 5.7m by 6.8m to 4.2m in height.
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RELEVANT SITE HISTORY

K/23/19/HH	Ground and first floor extensions, structural roof alterations including the addition of 4no. new dormers, fenestration and external material alterations, erection of new balcony, and other associated external works.	ApproveConditionally 13-11-19
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REPRESENTATIONS

Parish Council - Objection

- Overdevelopment of the site.
- Visually intrusive.
- Out of character with the area.
- Concern about it being used as an individual dwelling.
- Did not form part of application K/23/19/HH and is therefore not an alteration to approved building.

1 letter of objection from neighbour.

- Too near to eastern boundary.
- Too large, overall height of 4.3m, garden wall is at 1.9m.
- Overdevelopment of site.
- Overbearing and Overshadowing on Tumbley's study and sitting room.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#)

DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

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.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. 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. Part J.01 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.

Policy KPNP 7 of the Kingston Neighbourhood Development Plan relates to the design and development of proposals within the built up area boundary. The design and location of the development must be appropriate any sympathetic to the character and appearance of the Parish in terms of scale, massing, aspect, siting, layout, density, materials, landscaping and design features. It seeks to protect and enhance biodiversity, and have minimal impact on users and occupiers of nearby occupiers of land.

BACKGROUND

This application seeks a garden outbuilding to the rear of the property. The agent has stated that this outbuilding will supersede a previous version approved under K/23/19/HH. The Parish has commented that they do not believe that a garden building was afforded permission under K/23/19/HH. In looking at the previous application it can be seen that a garden building was not included within the description; 'Ground and first floor extensions, structural roof alterations including the addition of 4no. new dormers, fenestration and external material alterations, erection of new balcony, and other associated external works.' The associated external works were taken to mean the proposed works to the garden wall, which was expressly mentioned within the Officer Report, as such the description did not cover the outbuilding. Additionally, no elevations/plan were included within the application documentation, as such the outbuilding does not have formal approval on site. This application will therefore consider the outbuilding newly proposed.

DESIGN AND VISUAL AMENITY

The proposed outbuilding is to be a single storey structure and contain a kitchen sitting area (open plan) and shower room and has been designed with a simple symmetrical hipped roof. The overall height of the structure will be 4.2m, which for a single storey building is considered tall, however the pitch of the roof (which matches the host dwelling) and overall proportions and balance of the building is attractive. It has been designed to be built of materials which complements the main dwelling. As such it will appear in-keeping and visually sympathetic to the site in compliance with policy D DM1 of the Arun Local Plan and KPN 7 of the Kingston NP..

It will be located 26m away from Gorse Avenue, behind Nantucket, although views of the building may still be visible from the street. By reason that there is a significant distance from the road and it is set behind the primary elevation of the dwelling, the garden building will not appear overly dominant within the street scene. It will be visible from the beach and the access twitten from Gorse Avenue to the beach. However as various other outbuilding can be seen within the rear gardens of properties in the immediate area, the proposed building is not thought to be incongruent in this setting.

Various comments have been received stating that this proposal would lead to an over development of the site. However, the proposal is deemed to comply with policies D DM1 and KPNP 7 by reason that many of the properties in the area have developed across the full width of their plots providing a ratio of garden-to-built form equal to or less than Nantucket's. As such the amount of built form on this plot is not an incongruent feature and this would not be a reason to refuse the application.

Having regard to the design and visual amenity, the proposal is deemed to accord with D DM1 of the Arun Local Plan, Part J Arun Design Guide and policy KPNP 7 of the KNP.

RESIDENTIAL AMENITY

The garden outbuilding is proposed to the rear garden of the property. The property itself is a large dwelling situated to the north-eastern corner of its' plot. The dwelling is one of the largest within this location, and the space around the plot is of a comparable size to others. It is noted that the host dwelling sits a minimum of 3.8m from its eastern boundary and 4.3m from its northern boundary, which given the extent of the dwelling is a tight relationship, however it is afforded a large side garden and rear garden length above design guidance recommended levels. The outbuilding is to be positioned adjacent to the eastern boundary a minimum of 500mm away from the boundary line.

The proposed building will be located adjacent to the eastern boundary with the site being surrounded by 2m high wall. Many of the properties in this location are surrounded by high walls/boundary treatments, this is a typical feature of the private estates. Comments have been received relating to the proposed building height and it being overbearing to residents and users of the twitten and beach. It is not felt that the users of the beach will be affected by the proposed building as it is situated over 5m away from the properties south boundary. Moreover, it is noted as the eaves of the roof are at 2.2m, where the roof starts to slope away from the boundary, the true height of the building will not be felt by passing users of the twitten, which is a transitional space where users only briefly present in any case. As such this is not seen as a reason to refuse the application.

Given the good separation distances between dwellings, the garden building will comply with policy in that it will not overbear nor overshadow neighbouring properties. Windows will be located at ground floor level where it is generally accepted that there would be no adverse effect from overlooking.

To alleviate concerns of neighbouring residents and the Parish Council, a condition will be attached to the permission restricting the use of the building as ancillary to the main dwelling. It is agreed that the further intensification over and above this permission, could be problematic to neighbouring residents.

It is therefore considered by virtue of not being overbearing, overshadowing and overlooking that the proposed extensions accords with policy D DM1 of the Arun Local Plan and Part M of the Arun Design Guide.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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;

- Location and Block Plan 183038/03
- Proposed Elevations, Floor Plan and Roof Plan 183038/01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan and Part M of the Arun Design Guide.

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

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 4 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Nantucket as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy D DM1 of the Arun 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.

- 5 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.