

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

REF NO: K/31/13/

LOCATION: The Cottage
Brookside Road
Kingston

PROPOSAL: Demolition of existing stables, construction of new shed and gym on higher ground

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal involves the erection of two flat roof outbuildings each with a footprint of 7.4 metres in width by 4.4 metres in depth and 3 metres in height to the roof top.

SITE AREA

Approximately 7260 square metres.

TOPOGRAPHY

Gentle downward slope running from west to east. Dipped area of land and natural pond close to the eastern boundary.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Northern and western boundaries marked by approximately 1.8 metre high timber close boarded fencing. Similar height bamboo screening on eastern boundary where there is an additional line of coniferous trees.

SITE CHARACTERISTICS

The site is occupied by a detached two-storey dwelling which has grounds extending to the north and running behind two neighbouring properties on Brookside Road, 'York Lodge' and 'South Beach Lodge.' There is currently a detached flat roof building positioned within these grounds, towards the eastern site boundary.

CHARACTER OF LOCALITY

The site is located on a residential road that is lined by residential development which has no set pattern in terms of design or scale. Dwellings are generally set back from the road. Properties on the eastern side of the road back onto the banks of Ferring Rife which are traversed by public footpaths.

RELEVANT SITE HISTORY

K/33/72

stabling (3 loose boxes & 1 tack room) for
stabling horsesApproveConditionally
27-10-1972**REPRESENTATIONS****Representations received:**

Kingston Parish Council

Parish Council Objection: The development would compromise the strategic gap. It is located outside of the built up area. It is in a sensitive location, adjacent to the Ferring Rife and would be detrimental to views from public footpaths. Stables approved were for equine use within a field, a shed and a gym are inappropriate for an area of countryside. Will be detrimental to the amenity of neighbouring properties.

One letter of objection: Intrusive to neighbouring properties (privacy). Overbearing. Unneighbourly due to noise, smell and loss of light. The application states 'construction on higher ground.' The site is not significantly higher than that of the existing stables, will the levels of the site be raised? The site is large and it is unnecessary to place this development so close to our boundary.

Comments on Representations received:

Noted. The buildings will be located on the edge of the built-up area and the strategic gap, positioned close to existing residential buildings, and will therefore not appear intrusive within the countryside or compromise the integrity of the strategic gap. The site is well screened and buildings will not be visually prominent within views from nearby footpaths. It is considered that the buildings are modestly sized and will therefore not appear overbearing or cause undue levels of overshadowing. There will be no windows looking towards the properties to the rear. There were no restrictive conditions attached to the approval granted for the existing stable block (K/33/72). The site forms part of the grounds of 'The Cottage' and the use of the buildings will be restricted to those that are ancillary to that of the main dwelling only. As such, it is not considered that intensive levels of noise will be generated. The section plan accompanying the application shows the ground levels matching that of the boundary fence, there is no indication that site levels will be raised.

CONSULTATIONS**Consultations responses received:**

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Outside Built-Up Area
Within Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN3
GEN7
AREA10

Protection of the Countryside
The Form of New Development
Strategic Gaps

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

PRINCIPLE:

The site is partially within the built-up area but the proposed buildings will be positioned on land which falls outside of the built-up area and, as such, the proposed development will be the subject of the rigorous planning criteria contained within Arun District Local Plan Policy GEN3 which seeks to protect the character and appearance of the rural environment.

Arun District Local Plan Policy GEN7 sets out general requirements for all new development, the

most pertinent for an application of this nature being the need to respond positively to the identified characteristics of the site and the surrounding area (ii) and that it does not have an unacceptable adverse impact upon adjoining occupiers, land, uses or property.

The site is also located at the edge of the strategic gap maintained between East Preston and Ferring and is therefore subject to further scrutiny. If development is to be allowed, it must be satisfied that it is consistent with other Policies within the Development Plan (in this instance GEN3 and GEN7), would not compromise the strategic gap and that attention is given to the long term enhancement of the gap.

VISUAL AMENITY:

Given the modest size of the proposed buildings and the enclosed nature of the site it is considered that they will have a negligible visual impact upon the character of the area. The buildings will be set well away from the eastern site boundary, which is screened by fencing and trees and will not appear visually prominent within views from the footpath that follow the banks of Ferring Rife to the east. The buildings will not occupy a significant area of the amenity space of the plot and will therefore also have no discernible impact upon spatial characteristics. This will also ensure they do not appear as isolated or visually obtrusive features within the rural environment on accordance with Arun District Local Plan Policy GEN7(ii).

IMPACT UPON STRATEGIC GAP:

Although the proposed buildings will be sited at the western extremity of the strategic gap maintained between East Preston and Ferring, it is not considered that they will compromise the objectives and fundamental integrity of the strategic gap as the proposed buildings are modestly sized, positioned close to an established group of buildings that mark the edge of the strategic gap and will not intrude into the open countryside. As such, the proposed development is in accordance with Arun District Local Plan Policy AREA10.

DESIGN & SCALE:

The proposed buildings are of matching dimensions and design and will be positioned alongside each other so as to prevent any sense of a cluttered appearance from arising. They are to be positioned well away from the main dwelling so as not to interfere with its appearance.

IMPACT UPON RESIDENTIAL AMENITY:

Although the proposed buildings will be positioned close to a site boundary shared with York Lodge, which has a number of ground and first floor level windows facing towards their intended location, it is considered that their modest scale will prevent them from appearing overbearing to the neighbouring property or from causing undue levels of overshadowing. There will be no windows facing towards 'York Lodge' but, in any case, any views from ground floor windows towards neighbouring properties would be interrupted by existing site boundary treatment. It is considered prudent to attach a condition limiting the use of the buildings to being ancillary to the occupation of 'The Cottage' so as to prevent any over intensive use that would detract from the amenities of neighbouring residents. This will ensure that the development satisfies the requirements of Local Plan Policy GEN7(iv).

It is therefore recommended that the application is approved, 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 for 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, it has been determined that its approval would not result in any unacceptable negative impacts 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).

As such, there is no requirement for mitigation measures to be implemented.

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 plan. There shall be no deviation from the approved plan either internally or externally.

KG/LW/001;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The buildings shall be used in connection with the quiet and informal recreation of

occupants of The Cottage, Brookside Road, Kingston, BN16 1SE only and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties and to prevent the buildings being used for unsuitable and over-intensive purposes within a rural location in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.