

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

REF NO: LU/109/13/

LOCATION: 53 Lyminster Road
Wick
Littlehampton

PROPOSAL: Re-build and enlarge attached garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the raising of elevation walls and the formation of a pitched roof over the existing flat roof garage to the side of the dwelling and the continuation of this roof over an extension to the rear of the garage which will measure approximately 2.5 metres in width by 3.1 metres in depth.
SITE AREA	Approximately 675 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Boundary treatment is currently partially removed. Where present, it consists of a mixture of timber fencing, hedging and concrete block walling. Height is generally approximately 1.5 metres.
SITE CHARACTERISTICS	The site is occupied by a detached chalet style dwelling that has painted brick elevation walls and a tiled gable roof. There are flat roof dormers installed in the front and rear roof slopes. A flat roof garage has been attached to the southern (side) elevation.
CHARACTER OF LOCALITY	The site is located on a section of Class A road that is lined by residential dwellings of a mixture of designs and scales. Buildings are generally set back from the highway.

RELEVANT SITE HISTORY

LU/96/53	Garage	Approve 16-11-1953
LU/690/80	Extension to lounge & dining room	Approve Conditionally 28-01-1981

REPRESENTATIONS

Representations received:

report

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)

[GEN7](#)

[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

The Development Plan consists of the Arun District Local Plan.

It should be noted that the Arun District Local Plan was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

The proposal will replace an existing flat roof garage that is currently in a dilapidated condition and does not integrate well with the host dwelling or its surroundings due to its flat roof design. The proposed works will improve the appearance of the dwelling frontage, with the pitched roof design complimenting that of the adjoining garage which serves the neighbouring property, creating a more harmonious appearance and, consequently, having a positive impact upon the character and appearance of the surrounding area.

It is considered that the proposed garage will relate sympathetically towards the existing dwelling in terms of design and scale. Its modest proportions, particularly its single storey height, will ensure that visual subservience towards the host dwelling is maintained. In addition the pitched roof will compliment the pitched roof of the existing building whilst the height of the roof eaves will correspond with that of the existing roof, producing a smooth transition between features and a visually integrated appearance. Overall, the proposed garage is considered to be an improvement on the existing feature.

With regards to the amenities of neighbouring residents, it is not felt that the proposed works are of a scale that will result in an unacceptably overbearing presence. Although positioned adjacent to the site boundary, the proposal will not be close to any windows at neighbouring properties and, in any case, is of a modest height. As such, it is considered that no undue levels of overshadowing towards neighbouring properties will arise. Any views from new windows towards neighbouring properties could be adequately screened by suitable site boundary treatment, preventing intrusiveness.

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 deemed that it would have a neutral impact 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, no specific mitigation measures are required.

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:-

Block Plan 1:500;
13/830/01;
Proposed Roof Plan;

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 materials and finishes of the external walls and roof of the garage hereby permitted shall match in colour and texture those of the existing dwelling.

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

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 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.