

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

REF NO: LU/193/12/

LOCATION: 75A Clun Road
Littlehampton

PROPOSAL: Proposed detached garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above, to measure approximately 4.2 metres in width x 5.2 metres in depth x 4.3 metres to ridge height.
SITE AREA	0.046 hectares approximately.
RESIDENTIAL DEVELOPMENT DEN	22 dwellings per hectare approximately.
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Site frontage 0.6m high wall. 1.8m high fencing surrounds the site. All measurements are approximate.
SITE CHARACTERISTICS	Recently constructed 2 storey end of terrace. red brick elevations, hipped red tiled roof.
CHARACTER OF LOCALITY	Residential area. The surrounding area is predominately characterised by two storey semi-detached dwellings. Lengthy sites, leading onto Clun Road. Some terraced properties within the surrounding area.

RELEVANT SITE HISTORY

LU/192/12/	Single storey side extension	Approve Conditionally 07-09-2012
------------	------------------------------	-------------------------------------

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Town Council raised no objection to this application, provided that a condition is included in the permission about preserving the visibility on the junction with Fort Road.

Comments on Representations received:

The proposed development will not impact upon the highway and therefore will not affect the visibility of the nearby junction.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

SOUTHERN WATER:

The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewer so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developers expense to the satisfaction of Southern Watre under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The 225mm diameter sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access and maintenance.
2. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer.
3. No new soakaways should be located within 5 metres of the public sewer.
4. All other existing infrastructure should be protected during the course of construction.

Alternatively the applicant may wish to amend the site layout, or combine diversion with amendment to the site layout, in accordance with 104 listed above.

Condition suggested, if recommended for approval.

Comments on Consultation responses:

Comments noted and the suggested condition to be attached to approval, also informative attached regarding ownership and contact.

POLICY CONTEXT

Designation applicable to site:

Within Built up Area Boundary
Public Sewer
PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
------	------------------------------------

POLICY COMMENTARY

PLANNING

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

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 not cause demonstrable harm to the character of the surrounding residential area, nor would it detrimentally affect the residential amenities of any neighbouring property by way of overbearing effect, loss of privacy or loss of light.

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 proposed garage is to be sited to the rear of the recently constructed dwelling with access via a cross over from Fort Road. This siting together with its design relating to that of the existing dwelling will ensure that it would not appear unduly prominent and would be acceptable from a visual point of view.

The amenity area maintained is also considered to be acceptable with sufficient private gardens being maintained to the side and rear of the property. This together with the structure being single storey and set away from the neighbouring property will ensure the amenity of future occupants of the site and that of the neighbouring property would be adequately preserved.

It is therefore recommended that the application be approved subject to the conditions set out below.

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 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 a neutral impact has 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).

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:

Drawing No.s 360/1 (Location and Site Plan); 360/2 (Siting and Roof Plan); 360/3 (Floor Plan); 360/4 (Elevations).

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 policy GEN7 of the Arun District Local Plan.

- 4 The developer/applicant must advise the local planning authority (in consultation with Southern Water) of the measures that will be undertaken to divert the public sewers, prior to the commencement of the development:

Reason: To ensure the public sewer is protected satisfactorily and maintained in working order in accordance with policy GEN9 of the Arun District Local plan.

- 5 **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: GEN7, GEN2, GEN9

NATIONAL POLICIES: NPPF

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

- 6 **INFORMATIVE:** Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688)