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

REF NO: **LU/209/14/HH**

LOCATION: 18 Linnet Close
Littlehampton

PROPOSAL: Retrospective application for a Summer House. This application may be determined by Littlehampton Town Council under delegated powers

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is retrospective. It relates to a timber building that has a floor area of 3.2m by 5.9m, a ridge height of 2.9m and an eaves height of 2.2m.
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	1.8m high close boarded fencing
SITE CHARACTERISTICS	Detached 2 storey dwelling with brick elevations and pan tile roof. The summer house is erected in the rear corner of the garden. It has no openings adjacent to adjoining boundaries and is constructed of timber with felt shingles on the roof.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly detached 2 storey dwellings of similar design.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Two letters of objection - Height of ridge on roof exceeds 2.5m. The location of the summerhouse against the boundary fence ensures run off from the roof would pour through the fence into the garden. Its position gives the structure a solid appearance and effectively creates a greater sense of enclosure to the neighbouring garden. The scale and dominant design of the building is out of character with neighbouring gardens. The building was erected without planning permission and residents were subjected to noise whilst this was carried out. The plans submitted show the floor plans and elevated sides. There are no

measurements or sizes just a scale which does not give an indication of true measurements on paper. There is currently limited parking on the highway and parking occurs on the grass verges. Grass is not cut or maintained by the council. It is understood that historically an application was turned down due to off street parking being very poor and this application adds to parking congestion.

Comments on Representations received:

The design of the structure is acceptable in this garden location. It is constructed of timber and has the typical appearance of a garden building. The ridge height of 2.9m would be located 1.6m from the site boundary. The eaves height of 2.2m does not project significantly above the existing boundary fencing. Water runoff is a private matter and not a planning consideration.
The plans submitted are to scale and dimensions can be measured from them. The building was erected without planning permission and the application is therefore retrospective. Car parking is not relevant to consideration of this application. The provision of a summer house would not alter the amount of car parking generated by the existing dwelling.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Quality D DM4 Extensions & Alterations to Existing Buildings D SP1 Design	

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 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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise,

Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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).

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. The application is retrospective.

DESIGN AND VISUAL AMENITY
This application seeks planning permission for a timber summer house located in the rear garden of the property. The building would not be readily visible in the street scene being screened by properties and fencing from direct view.

It is therefore considered that the proposal complies with policy GEN7(ii) of the Arun District Local Plan and policies DDM1 and DDM4 of the Emerging Local Plan.

RESIDENTIAL AMENITY
The summerhouse is 150mm from the boundaries with Nos. 15 and 12. This separation distance to the boundary when considered with the height of the summerhouse at approximately 2.9m to eaves and 2.2m to eaves is judged to have an acceptable impact on the neighbouring properties and their gardens. The structure would not result in materially adverse overbearing effects on the gardens which has a relatively large rear garden areas.

The proposal therefore complies with policy GEN7(iv) of the Local Plan and policies DDM1 and DDM4 of the emerging plan.

It is therefore recommended that the application be approved subject to the following conditons.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the 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 neutral 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).

RECOMMENDATION

APPROVE