

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

REF NO: LY/6/18/HH

LOCATION: Perrys
Orchard Lane
Lyminster
BN17 7GL

PROPOSAL: New oak framed car port & associated works

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The proposal seeks to erect a car port.
SITE AREA	Approx. 1880sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Although there is a heavy presence of trees on site.
BOUNDARY TREATMENT	The site is bordered by a mix of fencing and foliage. This majority of the site is bordered by 2m+ hedging.
SITE CHARACTERISTICS	The site is populated by a large dwelling, on a large plot. This allows the property to have a large front driveway.
CHARACTER OF LOCALITY	The area is populated by a mixture of housing styles, although the area is characterised by its rural nature and heavy presence of foliage.

RELEVANT SITE HISTORY

LY/7/18/HH Replacement of existing garden sun room superstructure

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No comment.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None. Although a conversation was had with the Conservation Officer regarding the application.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:
Outside of built up area boundary
Conservation Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
GEN2	Built-up Area Boundary
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Lyminster does not benefit from a 'made' neighbourhood development plan.

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 conflict with relevant Development Plan Policy GEN3 in that the development is outside of the Built Up Area Boundary.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background, namely GEN7 of the Arun District Council Local Plan. As it is considered that the proposal 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.

CONCLUSIONS

PRINCIPLE

The application site is situated outside of the built up area boundary as defined by GEN2 of the Arun District Council Local Plan. The proposal is for the creation of a building with uses ancillary to an existing dwelling within the application site. However, it is considered that the proposal is in conflict with GEN3 of the Arun District Council Local Plan, which seeks to protect the countryside "for its own sake". However, the proposal is in accordance with C SP1 of the Emerging Local Plan, as it is in accordance with D DM1 of this plan. Development can be in accordance with C SP1 if it refers to a specific use or type of development that is covered by another policy (as this development is in accordance with D DM1). In this case, the key policy considerations are deemed to be GEN7 of the Arun District Council Local Plan, D DM1 of the Emerging Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

Due to its location, the proposed development is not considered to have a significantly detrimental impact on the street scene as a result of both its significant separation distance from the street, and the intervening foliage restricting views to the development siting. The separation distance is over 15m, with intervening foliage that averages over 2m high. Therefore, it is considered that the proposal will not have an adverse impact on the spatial pattern or character of the street scene, in accordance with GEN7(ii) of the Arun District Council Local Plan.

When discussed with the Council's Conservation Officer, it was considered that the proposal has a neutral impact on the Conservation Area, preserving its characteristics. It is also considered that as a result of the scale and materials of the development, it appears sympathetic and subservient in appearance. Resultantly, the proposal is considered to be in accordance with AREA2 of the Arun District Council Local Plan, D DM4(a) and (b) of the Emerging Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development will measure approximately 4.7m high, and will be situated over 10m from the boundaries of the site. Whilst it is noted that a maximum height of 4.7 in most cases would cause neighbouring residential amenity issues, the site is bordered by mature foliage that intervene overshadowing overbearing concerns, and the carport is over 13m from the closest neighbouring dwelling. The proposal is single storey in nature, and therefore the views available will be no different than from the garden itself if there were no foliage. Therefore, the proposed development is considered to be in accordance with GEN7(iv) of the Arun District Council Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development plan policies and as such is recommended for approval 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 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

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:

- Proposed site/block plan - 18122 - 02.03 - April 2018 - Rev A
- Proposed Floor, Elevations, Section & Roof Plans - 18122 - 02.04 - April 2018

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

- 3 **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.