

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

REF NO: LY/7/18/HH

LOCATION: Perrys
Orchard Lane
Lyminster
BN17 7GL

PROPOSAL: Replacement of existing garden sun room superstructure

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RESIDENTIAL DEVELOPMENT N/A
DENSITY (NET)**RELEVANT SITE HISTORY**

LY/6/18/HH New oak framed car port & associated works

ApproveConditionally
20-06-18**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Parish Council - No comments received

No representations received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None

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

HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CONCLUSIONS

PROPOSAL:

Permission is sought for the replacement of existing garden sunroom structure, which would measure approximately 6.6 metres in depth, 3.7 metres in width and 2.8 metres in height.

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 Arun Local Plan 2011-2013 and the National Planning Policy Framework.

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.

DESIGN AND VISUAL AMENITY:

From an assessment of the plans and Officer's site visit the proposed single storey outbuilding, would be acceptable in design terms as it would be of a similar size, scale and design to the garden sun room that it would replace. Additionally it would be sited in the same location as the existing sun room. Therefore,

the proposal would not be unduly prominent or out of keeping with the existing dwelling.

Due to its location, to the rear of the application dwelling, the proposed development is not considered to have a significant detrimental impact on the street scene.

The proposal would be constructed out of a brick dwarf wall (as existing) with a uPVC frame atop. Officers note that the proposal would use uPVC for the frame rather than wood as per the structure it would replace.

Officers consider that given the siting of the proposal to the rear of the dwelling, Perrys, and that it would be well screened as a result it would not be significantly visible from Orchard lane. Therefore, Officers consider that while the use of uPVC rather than wood is not ideal would be acceptable.

It is considered that, due to the siting of the proposal to the rear of the application site, behind the existing dwelling, its modest size, scale and that it would be sited in the same position as the garden sunroom it would replace, the proposal would have 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.

As such, it is considered that the proposal would adhere with criterion (ii) of Policy GEN7 and AREA2 of the Arun District Council Local Plan 2003. Additionally the proposal would comply with Policy HER DM3 and criteria (a) and (b) Policy D DM4 of the Emerging Arun Local Plan 2011-2013.

NEIGHBOURING RESIDENTIAL AMENITY:

The proposal would replace the existing garden sunroom and such would be sited in the same position as the one it would replace. The proposal would be sited in the north east corner of the rear amenity space serving the Perrys and would be screened by the existing garden shed and planting in the form of trees and hedging to the common boundaries of adjoining properties Lyminster Court and Keymers.

As such, it is considered that the proposal would be well screened and would not have a detrimental impact on the occupiers of adjoining properties with regard to overlooking, overshadowing, overbearing effect and loss of light/sunlight.

TREES:

While the proposal would be sited close to the row of trees along the common boundary of adjoining property Lyminster Court, it would be sited in the same position as the structure it replaces. The proposed frame would set atop the existing dwarf wall and solid base. As such it is considered that the proposal would not have a detrimental impact on any trees. None of any significance affected by the proposed development.

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

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

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:

00.01 rev A, 02.01 and 02.02

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.