

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

REF NO: M/14/17/HH

LOCATION: Lane End Farmhouse
Ancton Lane
Middleton On Sea

PROPOSAL: Replacement detached garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. A double garage 5.6 metres in width 5 metres in length with a pitched roof height of 3 metres to the ridge and 2 metres to the eaves. The materials of construction are proposed as Steel main garage doors, timber personal door, Concrete tiles to the roof and render effect precast concrete panels for the walls.

SITE AREA

850 sq.m.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

A 1.6 metre close boarded fence around the rear garden.

SITE CHARACTERISTICS

A detached 2 storey cottage farmhouse on a large plot with red brick and re clay tile exterior. The property has a large back garden and an existing garage at the rear of the garden accessing onto a private lane at the side of the property serving the farmhouse to the north which leads onto Ancton Lane.

CHARACTER OF LOCALITY

A primarily residential area in the north of Middleton forming part of a hamlet of farmhouses adjacent to open countryside.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

ADC Surface Water Drainage - No objection - Drainage to be discharged to a soakaway.
Recommend condition ENG2DA.

Southern Water - no objection subject to an informative.

Comments on Consultation responses:

The proposal is for a replacement garage. The condition requiring groundwater monitoring is considered excessive in this case given that there would not be any significant additional development.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

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 Design
Quality

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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).

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.

Middleton Parish have not prepared a neighbourhood plan and as such there are no relevant policies to the determination of this application.

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 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

PRINCIPLE

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.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the replacement of a single garage with a double garage.

Given the size of the plot and its location at the rear of the garden accessed of an unmade track it would not have a significant impact on the street scene or established character of the area and would blend in appearing sympathetic and integrated with the host dwelling.

The proposed garage is therefore considered acceptable in design terms and complies with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed garage would not be close to any neighbouring buildings or dwellinghouses and would be of a modest size not impacting upon a loss of light, overbearing impact or cause a loss of privacy to neighbouring properties. The garage is therefore considered to comply with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

The proposal is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below 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;
Dwg.no. 17/09/3 Proposed Block Plan dated February 2017
Dwg.no. 17/09/1 Proposed Elevations and Floor Plan dated February 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 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.

- 4 **INFORMATIVE:**A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

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 on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

- 5 **INFORMATIVE:**SuDS Selection

The following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground (infiltration);
2. Controlled discharge to a surface water body;
3. Controlled discharge to a surface water sewer.

Surface water must not be discharged into the foul sewer system. Infiltration structures include soakaways, basins, swales and permeable paving. Discharge to surface water bodies and surface water sewers must be restricted to an agreed rate.