

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

REF NO: M/1/18/HH

LOCATION: 72 Ancton Way
Elmer
Middleton on Sea
PO22 6JP

PROPOSAL: Shed to rear garden

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed shed measures approximately 4.3m wide, 3.3m deep and 2.7m high.
	Materials would be timber with single ply felt roof
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	The front boundary of the site is open with the rear and side boundaries of the site featuring a mixture of close boarded fencing, brick walling and mature planting of various heights. The rear has timber fencing and trellis approximately 2m high and a block wall approximately 1.5m high
SITE CHARACTERISTICS	The site is occupied by a detached bungalow with hard standing forward of the primary elevation and a garden to the rear. The existing bungalow features white rendered walls with a gabled roof with weatherboarding on the primary elevation. The existing property features an integrated garage to the east.
CHARACTER OF LOCALITY	The site is part of a residential street comprising a mixed character with detached properties of 1 and 2 storeys in height set in medium plots set back from the highway with gardens to rear within a suburban environment. The residential properties which characterise the area are of various designs and styles.

RELEVANT SITE HISTORY

M/18/18/DOC	Approval of details reserved by condition imposed under M/94/17/PL relating to condition 4-surface water	DOC Approved 16-02-18 REPORT(ODB)
-------------	--	---

drainage.

M/94/17/PL	Demolition & erection of 1 No. dwelling with integral garage.	ApproveConditionally 31-10-17
PAA/69/17/	To demolish existing house and build 3/4 bedroomed house.	Refuse Pre App 10-04-17

Planning permission has been granted in 2017 for a replacement dwelling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton Parish Council have no objection.

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Southern Water refer to contact if a public sewer is found during construction.

COMMENTS ON CONSULTATION RESPONSES:

Informative recommended

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICES

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

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:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD7 Middleton on Sea Village Design Statement

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. A consultation on proposed modifications ended mid February 2018.

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).

Middleton PC is not preparing a Neighbourhood 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 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 application site is situated within the built up area boundary where the principle of development is acceptable subject to compliance with relevant development plan policy. Normally speaking the construction of a shed would not require planning permission. However, when granting planning permission for the replacement dwelling under M/94/17/PL permitted development rights (PD) covering the construction of outbuildings were taken away and thus the need to make an application. The PD rights were partly removed to ensure sufficient rear garden space was remaining.

The detached property is sited in a residential area and the application seeks to construct a shed in the rear garden on the northern boundary. The proposed shed will be sited behind the dwelling approximately 1m from the northern boundary behind which is mature planting and open land, approximately 0.35m and 1m from the west boundary with No.70 and adjacent to the east side boundary with No.74. The proposed shed is not visible from the street and retains adequate garden area to the recently approved dwelling, approximately 8.2m depth. The materials would be timber beneath a single ply sloping roof. There are other outbuildings on neighbouring properties in the locality.

Therefore, the proposed shed is not considered harmful to the character and appearance of the host property or the wider area.

The neighbouring property No 70, to the west, is sited approximately 13m away and the property to the east No.74 is also approximately 13m away from the proposed shed. Due to its height and size it is not considered that the siting of the proposed shed would detrimentally harm either neighbouring property by way of an overbearing affect or loss of light and outlook.

In terms of the amount of open rear garden sufficient space would remain following the construction of the shed.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the character and appearance of the host property and the amenity of adjoining occupiers at No.70 and No.74. The proposed development would therefore comply with planning policies in the Arun Local Plan 2003.

Therefore, the application 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 N278 PL01 & N278 PL02.

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.