

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

REF NO: M/26/18/HH

LOCATION: Wish House
130 Elmer Road
Middleton on Sea
PO22 6HZ

PROPOSAL: Erection of shed

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The shed, which has been substantially built, has a asymmetrical pitched roof with the ridge line running east-west and the steeper slope on the south side. It is 3.8 m high to the ridge and 2.2 m to the eaves. It is 4 m wide and 6 m long and has 2 windows in the south elevation, bifold doors on the north elevation facing into the garden of number 130 Elmer Road, a high level window on the west elevation and 2 roof lights. It is built of timber and the roof, which is not yet finished, will be covered with artificial slates.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The shed forms part of the rear boundary of Number 130 Elmer Road. On either side is a hedge approximately 3 m in height.
SITE CHARACTERISTICS	The shed is within a gravelled area to the rear of number 130 and the properties in Deepdene Close.
CHARACTER OF LOCALITY	The area is residential in character. A footpath runs from Elmer Road to the beach on the west side of the gravelled area with a hedge on the west side and open at the east side where it passes the site.

RELEVANT SITE HISTORY

M/32/06/	Two storey rear extension with balcony	ApproveConditionally 27-04-06
M/72/94	External alterations	ApproveConditionally 07-10-94

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

No objection.

2 letters of objection

- building too large for a shed
- taller than previous shed
- potential for a second storey
- not a like-for-like replacement
- too close to the boundary
- overshadowing
- blocking views
- overlooking
- destruction of hedge
- work commenced earlier than stated
- assessment by Orkney firm not local

COMMENTS ON REPRESENTATIONS RECEIVED:

There is no requirement for a like for like replacement and the building needs to be considered on its merits and whether there is a significant loss of light or outlook as a result of the increase in size and proximity to the boundary. There are no windows which overlook neighbouring properties. The loss of a view is not a planning matter. The hedge was not protected. There is no potential for a second storey. The date of commencement is not an issue nor is the location of the company that have carried out the shadowing assessment.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water

Request pre-commencement condition to seek agreement with Southern Water to site the building close to a public sewer.

Engineering Services Manager.

Request pre-commencement condition requiring details of surface water drainage and advice given on soak-away requirements and SUDS.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted but as the shed replaces one of the same footprint the proposed condition relating to surface water drainage is not necessary. An informative added to seek agreement with Southern Water

for siting the building close to a public sewer.

POLICY CONTEXT

Within the built up area.

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
W DM3	Sustainable Urban Drainage Systems

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).

Middleton has not made 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 site is in the built up area where development which complies with other policies in the development plan is acceptable. Although the ridgeline of the new shed is higher than its predecessor, due to its orientation and the east-west aligned ridge line and the existing outbuilding in the garden of number 5 Deepdene Close there will only be minimal increase in shadow in the garden of that property in the late evening. In view of the existing boundary treatment and the distance between the gable end of the new shed and windows in the properties of the houses in Deepdene Close the outlook from those properties will not be significantly affected.

There is no window in the east elevation and therefore no potential for overlooking. The shed will not therefore unreasonably impact on the privacy, outlook and light of the occupiers of adjacent properties. The shed which has been replaced was in a poor state of repair and its dilapidated condition was detrimental to the amenity of the area. The new shed is not immediately apparent to users of the foot path to the beach.

As such the proposal complies with policies GEN7 of the Arun District Local Plan and policy D DM1 of the Emerging Arun Local Plan 2011-2031.

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

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan at 1:200, Drawing 1 (plan and elevations) at 1:100

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.

- 2 No further works to complete the building shall be undertaken before full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No further works to the building shall be undertaken until the complete surface water drainage system has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council 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 The development is close to a public sewer which requires the agreement of Southern Water. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.