

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

REF NO: M/27/14/HH

LOCATION: The Gardens
Yapton Road
Middleton-on-Sea

PROPOSAL: Construction of a Timber single Garage with small tool store

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed building measures 4.8 metres in width by 6 metres in depth and 3.8 metres to roof ridge height.
SITE AREA	Approximately 1135 square metres.
TOPOGRAPHY	The site slopes slightly up from the level of the road.
TREES	Some small trees and shrubbery may need to be removed in order to accommodate the proposal. None of these are considered to be worthy of Tree Preservation Order status.
BOUNDARY TREATMENT	Low wall to the front of the site. Other boundaries marked by approximately 1.8 metre high timber fencing.
SITE CHARACTERISTICS	The site is occupied by a detached chalet style dwelling which has brown brick elevation walls and a tiled, gable ended roof.
CHARACTER OF LOCALITY	The site is located outside of the built-up area, alongside a Class B Road which is bordered, in most places, by grass verging, trees and hedgerow. There is scattered development nearby which includes a farm shop on the opposite side of the road. agricultural buildings and other dwellings.

RELEVANT SITE HISTORY

M/117/06/	Replacement dwelling together with new car port (Departure from Development Plan) (Re-submission following M/27/06/).	ApproveConditionally 10-01-2007
M/45/08/	Extension and detached garage.	Refused 15-10-2008

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

No objection. Due to surface water inundation issues in the Lidsey Catchment, the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Comments on Consultation responses:

Noted. An informative directing the applicant to Southern Water advice will be attached to any approval given.

POLICY CONTEXT

Outside Built-Up Area

Permitted Development Restrictions: These relate to an application for a replacement dwelling on site. The works approved within this application have not been implemented and the original chalet dwelling remains in place.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN3](#)
[GEN7](#)

Protection of the Countryside
The Form of New Development

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

C SP1 Countryside
D DM1 Aspects of Form and Quality
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The

remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 proposed garage will be positioned within a rural area. however, it will be erected on an established residential site and will enjoy a visual relationship with the existing dwelling on site, so as not to appear as an isolated and alien development within the countryside. In addition, it will be set back from the road and it is considered to be of a modest scale and, as such, it would not appear visually prominent. Its timber design will also complement the rural nature of its surroundings.

The garage will not be of a size that would lead to it appearing overly dominant in its relationship with the main dwelling on site. It is considered that its gable roof design will complement the gable roof design of the dwelling, helping to strengthen visual integration.

The modest size of the structure, coupled with its positioning away from boundaries shared with residential properties, will ensure that it does not appear overbearing, or cause undue levels of overshadowing or overlooking.

It is therefore recommended that the application is approved, 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 for 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be implemented.

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:-

DRW/001;
DRW/002;
DRW/004;
DRW/005;

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

- 3 The building shall be used as a private domestic garage in connection with The Garden, 95a Yapton Road, Middleton-on-Sea, PO22 6DY only and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off street parking space in accordance with policy GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.
- 5 INFORMATIVE: The applicant is advised to contact Southern Water Developer Services on 0330 3030119 to discuss practical measures to reduce the potential impacts of development within the Lidsey Catchment.