

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

REF NO: M/73/19/HH

LOCATION: 7 Sea Way
Middleton-On-Sea
PO22 7RZ

PROPOSAL: Erection of a single storey outbuilding to be used as a washroom/garden studio

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a single storey outbuilding, to be used as garden studio.
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RELEVANT SITE HISTORY

M/11/19/HH	Conversion of existing loft with new dormer to south elevation. This may affect the setting of a Listed Building.	ApproveConditionally 10-04-19
M/95/14/PL	Demolition of existing bungalow and replacement with 1 No new dwelling (resubmission following M/32/13/)	ApproveConditionally 08-01-15
M/95/13/DOC	Application for approval of details reserved by conditions 4 & 5 following planning approval M/32/13 - Surface water drainage scheme & external walls and roofs	DOC Approved 16-12-13
M/32/13/	Demolition of existing bungalow and replacement with 1 No chalet style dwelling house	ApproveConditionally 19-07-13

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
Parish Council - No objection.
- This was maintained post-amendments.

5 letters of objection:

- The proposed development will be visually intrusive, due to its height and siting.
- The outbuilding will be visible from neighbouring dwellings.
- The proposal may spoil the ambience of the neighbourhood.
- The proposal will be built over a large portion of the driveway.
- The steel roof is unattractive.

Middleton on Sea Association - Objection

- Despite the change in materials, the Association maintain their objection to the proposal.
- The proposal is of an unacceptable scale, mass and in an unsuitable location.
- The proposal would impact upon the street scene.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within the Built up Area

Area of Character

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM4	HER DM4 Areas of Special Character
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD7	Middleton on Sea Village Design Statement
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CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1, HER DM1 and HER DM4 of the Arun Local Plan. Additionally, the Middleton-on-Sea Village Design Statement.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy HER DM4 of the Arun Local Plan relates to applications within Areas of Character. Proposals will be granted subject to the retention of buildings and other features which make positive contributions to the special character of the area, maintenance of an appropriate mix of uses, and where possible, enhance the special character of the area.

DESIGN AND VISUAL AMENITY

The application site is located within an Area of Character. The distinguishing features of this area are the beach huts and the open space of dwellings fronting the sea. This proposal does not affect either of these two features, in that it does not relate to a beach hut, and it is not sited between the dwelling and the sea.

It is noted that whilst there are no examples of similarly scaled outbuildings within the immediate area along Sea Way outbuildings are to be found to the west and south west of the site on Sea Lane. It is also noted that the outbuilding is actually in line within the front elevation of the host building, and is within the private amenity area of the host dwelling, as opposed to within its driveway. This assists with its assimilation within the site.

In terms of views of the building within the locality there will be some views of the proposed development from the street scene, however, these are not considered to result in a significantly harmful impact upon the locality. The presence of similar materials are visible within the locality, for example, at #8 & #9 Sea Way. Furthermore, the boundary treatment surrounding the proposed development is a mixture of hedging and fencing, with the hedging being approximately 2.2m high, the eaves of the development (the element of the proposal closest to the boundary) is 2.5m high, and therefore, approximately 0.3m of the proposal will be immediately apparent within the locality of the proposal when viewed from the street scene. The ridge height of the proposed outbuilding is at a maximum height of 3.7m, which is 1.8m from the eaves of the outbuilding. Therefore, the maximum height of the proposed development is reached at 2.6m from the Western boundary of the application site. This height is reached at 1.6m from the closest point to the Northern boundary of the application site, which is bordered by a mixture of boundary treatments, as it is a brick wall, with a trellis and some shrubbery. It is noted that the element of the proposal facing this boundary is effectively the 'side' of the proposed outbuilding, and measures 3.6m in width. In all views of the proposed outbuilding are not considered to be overly prominent, and as such, has an acceptable impact upon the street scene.

As originally submitted, the application proposed a steel panelled roof, however, this was deemed to be inappropriate for the locality. Therefore, the application was amended to change the proposed materials to use natural slate, which is considered more acceptable within the locality. This is due to their being examples of similar materials in the area, and the proposed material being of better amenity value than the steel panelling previously proposed.

The proposed development is not considered to be in conflict with D DM1, or HER DM4 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a Listed Building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development does not cause harm to the Grade II Listed Building (Flint Cottage, 38 Sea Lane), and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan. This is due to a significant separation distance of

over 20m, and the boundary treatment bordering the site.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any harmful impact upon the residential amenities of neighbouring dwellings, by way of overshadowing, or overbearing impact. This is due to a separation distance of more than 25m to any neighbouring dwelling, which is considered to mitigate any loss of light to said neighbouring dwellings. Additionally, due to the single storey nature of the outbuilding, it is not considered to result in any overlooking of neighbouring dwellings, as any views from within the outbuilding will be the same as those available from the garden at current.

Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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

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:

- Block Plan - 0100031673
- Proposed Elevations & Plans - Revised - October 2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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.