

Recommendation Report for Planning Permission

REF NO: M/7/12/

LOCATION: Red House
100 Middleton Road
Middleton On Sea

PROPOSAL: Replacement garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed replacement open fronted garage measures approximately 5m in width, depth of 5.2m and a maximum height of 3.9m.
SITE AREA	Approximately 864 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front has close boarded fencing approximately 2m in height with ranch type wooden gates, hedging to western side, beech tree screening to eastern side.
SITE CHARACTERISTICS	Detached two storey property with single storey extension on rear. The property has red brickwork, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Main road with predominantly residential detached two storey properties of various styles and designs.

RELEVANT SITE HISTORY

M/120/03/	Utility room, garage & sunroom extension	Approve Cond 28-11-2003
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REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

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None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class B Road
Area of Special Character
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA1	Areas of Special Character

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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SUPPLEMENTARY POLICY GUIDANCE

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
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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.

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 property is located via a track from Middleton Road and serves one other property No 98 Middleton Road. The application seeks to remove the existing detached pitched roof garage

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which is sited on the eastern side of the dwelling which is in a poor state of repair and replace with a larger garage.

The proposed new open fronted garage will be of a traditional wooden design with a clay tiled roof that will match the main dwelling. The neighbouring property No 24 Merry End has a garage that is sited behind the existing garage. The existing garage is set at an angle and the proposed new structure will be set in line with the neighbouring garage of No 24 and will be approximately 5m in width, depth of 5.2m with a maximum height of 3.9m. Although the upper level of the roof will be visible above the neighbouring garage roof it is not considered that this would be of an overbearing nature.

The garage is of an acceptable size and height. Due to the siting of the garage it will not be readily visible to the front of the site in Middleton Road but will be visible to the east of the site in Merry End. It is not considered that this would be of an obtrusive nature, nor would it harm the established character and appearance of the surrounding residential area or the Area of Special Character.

It is therefore recommended that the application be approved, 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 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 the following impacts (negative, Neutral or positive) 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). Not applicable in this instance.

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: Site 1:1250, Block 1:500, Floor, Elevations received on 15th February 2012.

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: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, AREA1

NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.