

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

REF NO: M/8/22/HH

LOCATION: 23 The Byway
Middleton-on-sea
PO22 6DR

PROPOSAL: Retention of garden shed.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks approval to retain an existing front garden shed that is 3.7m wide, 2.4m deep and has a height of 2.4m with eaves at 1.8m.

REPRESENTATIONS

Middleton Parish Council - Objection:
- Not in accordance with the Middleton-on-sea Design Guide.

9 representations from neighbours - Object:
- Contrary to Middleton-on-sea Design Guide.
- Would be better if moved to the rear.
- Not in keeping with the character of the area.
- Detracts from rural character of the street.
- Contrary to covenants.

3 representations from nearby occupiers - Support:
- Small scale.
- Inoffensive.
- In keeping with the locality.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Area of special character (Middleton-on-sea Estate).

Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM4	HER DM4 Areas of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD7	Middleton on Sea Village Design Statement

CONCLUSIONS**PRINCIPLE**

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.

The Arun Design Guide provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance.

Policy D SP1 requires development proposals to make efficient use of land and reflect characteristics of the site and local area such as layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy HER SP1 of the Arun Local Plan states that non-designated heritage assets (Areas of Character included) need to be conserved and enhanced in a manner appropriate to their significance.

Policy HER DM4 of the Arun Local Plan states that planning permission will be granted for development within Areas of Character provided that it preserves and where possible enhances the special character of these areas with particular regard to characteristics identified by the Local Planning Authority.

Middleton has a village design statement which states proposals should have a high quality design, relate well to the existing site and its surroundings and seek to minimise overshadowing. The design statement also sets out criteria for development within the Middleton-on-sea Estate area of special character.

DESIGN AND VISUAL AMENITY

The shed in question is located to the front of the property, 7m from the front site boundary. The scale of the shed is small, being 3.7m in width, 2.4m in depth and 2.4m in height with eaves at 1.8m. The shed is sited atop a larger wooden base. Section H of the Arun Design Guide sets out a minimum front garden distance of 2m. There is a substantial retention of front garden amenity space with 7m separating the shed and the front elevation and approx. 14m separating the front site boundary from the front elevation of the main dwelling. There is sufficient retention of front garden amenity space.

Although the scale of the shed is small, it is a prominent feature in an otherwise largely undisturbed open frontage building pattern. The street is characterised by open, soft landscaping with shrubbery boundary treatments that give a sense of enclosure to front gardens of the properties along The Byway. The shrubbery boundary treatment surrounding front of the property does go some way to limiting the visual

impact of this shed on the street scene. However, the shed does exceed the height of this boundary treatment and is prominently visible when passing the front of the property due to the break in boundary treatment for vehicular access. The materials that make up the shed are all plastics. These materials are dark grey slate effect tiling, cream wood effect plastic, dark grey wood effect plastic and clear window plastic. Although these may be acceptable materials to construct an outbuilding such as this, its siting to the front of the property causes an adverse visual impact on the street scene. The materials and their coloration are inharmonious with the existing built form of the locality. It is considered to be an adverse visual impact on the street scene as it is out of character with the established character of the area.

Although compliant with Section H of the Arun Design Guide, the development is not in accordance with relevant development plan policies D SP1 & D DM1(1) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The siting, small scale and nature of the development is such that it is not considered to give rise to any adverse impacts by way of overbearing, overshadowing or overlooking on neighbouring properties.

The development is compliant with policy D DM1(3) of the Arun Local Plan.

HERITAGE ASSET

Policies HER SP1 & HER DM4 of the Arun Local Plan and the Middleton-on-sea Village Design Statement claim that characteristics that help define the special character of the area should be preserved or enhanced. According to the Middleton-on-sea Estate area of character description, this street is characterised by a variety of materials used, including render, brick, thatch, black stained weatherboarding and plain clay tiles.' The shed consists of materials that are not harmonious with the area.

Covenants are not a planning concern however, the Middleton Village Design Statement, which is a relevant policy document, states that in accordance with local covenants the frontages of buildings should be a minimum of 9m from the front site boundary. The shed is located 7m from the front site boundary and as such, is not appropriately sited. The statement also says that the area to the front of the dwelling should be soft landscaped. The shed and wooden base are not considered soft landscaping.

The shed is not compliant with Policies HER SP1 & HER DM4 of the Arun Local Plan or the Middleton-on-sea Village Design Statement.

SUMMARY

Although being a small scale outbuilding, due to the inharmonious use of materials and prominent disruption of the established character of the area, the development is not compliant with relevant policies D DM1, D SP1, HER SP1, HER DM4 and the Middleton-on-sea Village Design Statement. As such, the application is recommended for refusal.

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), Article 1 of

the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

REFUSE

- 1 Due to its location and materials used the proposal will have a significant negative impact on the special character and appearance of the area in conflict with policies D DM1, D SP1, HER SP1 and HER DM4 of the Arun Local Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.