

REPORT UPDATE

Application No: M/91/13/

Reason for the Update / Changes

Reason for Update/Changes: Amendment to description of the development.

It should be noted that the proposed development also includes an southern extension of approximately 1 metre in depth to create a bike store. This was omitted from the report on the Committee Agenda.

It is not considered that the southern extension would have a significant impact on the appearance or amenity of the area. Therefore it is considered acceptable and no amendment is suggested to the Officer's Recommendation.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

M/91/13/

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

REF NO: M/91/13/

LOCATION: 33 Sea Way
Middleton-on-Sea
Bognor Regis

PROPOSAL: Enlargement of garage to north elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 2,200 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	Holm Oak (Quercus Ilex) located approximately 1.5 metres from the eastern gateway inside the front boundary of the site. The tree is approximately 3.5 metres from the nearest part of the proposed extension.
BOUNDARY TREATMENT	Render wall approximately 1.8 metres tall to the front facing onto Sea Lane. Side boundaries comprise close board fencing with trees and bushes.

SITE CHARACTERISTICS

Detached two storey dwelling. Render elevations. Plain tile hung roof. Driveway to front with two accesses from Sea Lane. Single storey garage to the front of the house with pitched roof and render elevations.

CHARACTER OF LOCALITY

Predominantly residential characterised by low density development comprising large detached mainly 2 storey dwellings of varying design.

RELEVANT SITE HISTORY

M/3/96	Conversion/alterations of No 33 into 2 no. dwellings, extension of No 35 & erection of new boundary wall to Seaway	ApproveConditionally 06-03-1996
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No comments

REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection

- The overall mass and scale is out of keeping with surrounding buildings/garages and it is not sympathetic to its surroundings.
- The proposed development will have an adverse effect on the streetscene.
- If the committee are minded to approve the application then conditions must be imposed to restrict the use of the garage to the domestic use of the occupants of 33 Sea Way only and for no other use.

1 Letter of Objection

Middleton-on-Sea Association

The proposal could mean the loss of a tree on the northern boundary, the tree has not been shown on the submitted plans, the tree adds to the visual character of Sea Way within this area of Special Character.

Comments on Representations received:

The comments are noted and will be addressed in the Conclusions section of the report.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Arun District Council Parks and Greenspace -

- significant tree to the front of the property Holm Oak, Quercus Ilex, which provides some screening and amenity value.
- Tree is not shown on the layout drawings.

- Application has stated that there are no trees or hedges that will need to be removed or pruned in order to carry out these works.
- The plan needs to be resubmitted correctly including and plotting of the existing Holm Oak, Quercus Ilex and the protection measures to be put in place for its retention. This should be in accordance with BS 5837:2012 'Trees in relation to construction' and the protection methods that this sets out.

Comments on Consultation responses:

Comments from Parks and Greenspaces are noted.

The applicants have amended the scheme to move part of the development further from the Holm Oak tree to ensure its long term vitality.

POLICY CONTEXT

Designation applicable to site:

- Within Built Up Area Boundary
- Middleton of Sea Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN28](#)
[GEN7](#)
[DEV19](#)

Built-up Area Boundary
Trees and Woodlands
The Form of New Development
Extensions to existing residential buildings

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

D DM4 Extensions & Alterations to Existing Buildings
ENV DM4 Protection of Trees
ECC SP2 Energy & Climate Change Mitigation
HER DM4 Areas of Special Character
QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

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

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 will be considered for publication at a later meeting of Full Council and the whole Local Plan will undergo a formal public consultation once the remaining chapters have been published (with subsequent examination and adoption). The weight given to the published policies can be significant if the policies do not have unresolved objections and are consistent with the NPPF. The published chapters are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 development is to extend an existing detached garage and make a number of amendments to the proposed elevations including new windows, doors and internal amendments to provide a cycle store, gymnasium, playroom and toilet. The proposed development would extend the garage northwards towards Sea Way by approximately 5 metres.

The proposed extension measures 3.25 metres (3.5 existing) to the roof ridge, and 2.5 metres (2.5 existing) to eaves level.

Impact of the Garage Extension on the Character and Appearance of the Area

The proposed extension is to the north of the existing garage and will be situated between the garage and the front wall. The proposed extension's roof ridge is stepped down from the height of the existing and the eaves levels are proposed to match the existing. The extension will have a pitched roof at an angle to complement the pitch of the existing roof. The materials are proposed to match the existing garage.

It is not considered that the extension which measures 4 metres deep and 5 metres wide is of a mass and scale that is out of keeping with the host building. Though sited between the existing garage and the highway, the impact on the street scene will be minimised by the existing front boundary wall and mature foliage.

It is considered that the proposed extension will be discreet in the street scene and will be a sympathetic addition.

Impact on Holm Oak

The applicant's initial proposal was proposed to be situated approximately 2.0 metres from the trunk of a Holm Oak Tree. The application form states that the tree will not need to be removed or pruned in order to carry out the proposal. During a site visit it was assessed that the proposed extension is likely to fall within the tree's root protection area. There is therefore a danger that the proposal would involve the excavation of tree roots that would make the tree unstable. The applicants have not submitted an arboricultural assessment or any other information on how the tree will be protected.

The Council's Parks and Greenspace officer considers that insufficient information has been submitted with the application to be able to assess whether the tree will be negatively affected, and if not what mitigation measures will be put in place to protect the tree during construction to ensure its continuing health.

As a result of the consultation response received from the Parks and Greenspace team the applicants have amended their proposal to move the extension away from the proposed tree. It is considered that the proposed development is now outside of the trees route protection area. Conditions have been included to ensure measures are taken to protect the tree during the construction phase.

Conclusion

It is considered that the design of the proposal is acceptable in principal and that the amended scheme will not require the removal of the holm oak. It is therefore recommended that the application be approved subject to appropriate 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 private and family life, his home and his correspondence) and 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 a neutral impact has 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.

As a neutral impact has been identified, no mitigation is required.

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:

Existing & Proposed Roof Plan Site and Block Plan 6739/04A
Proposed Plan & Elevations 6739/03B

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 The materials and finishes of the external walls and roof of the garage extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the existing holm oak tree to be retained on the site has been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around the tree to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. The fence shall be retained in place for the duration of the development.

Within the area so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment

into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of the existing holm oak tree which forms an important feature on the street scene and contributes to the character and appearance of the street scene in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of..... as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 6 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.