

Recommendation Report for Planning Permission

REF NO: P/108/17/PL

LOCATION: 2 Lake View
Pagham

PROPOSAL: Application for variation of conditions imposed on P/3/17/HH relating to condition no.1 - approved plans

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The carport has a footprint of 5.02m by 4.06m, an eaves height of 1.97m and a total height of 2.42m. The car port has been relocated from its originally permitted location which projected outwards from the front of the dwelling and is now located parallel to the road/highway. It is located approximately 1.5m from the back edge of the public footpath and the rear of it adjoins the north east side boundary of the site. The car port is open sided and has 6 metal supports and a translucent roof.

The applicant is disabled and is not able due to lack of space to park his car down the side of the property.

This application seeks to vary the siting of the car port.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Open to front at back edge of footpath. Low 0.5m high wall to front sides with 2m hedge adjoining north east boundary.

SITE CHARACTERISTICS

Existing freestanding car port, already relocated to position applied for. Existing landscaping to the north eastern side. apart from low side walls, the frontage is generally open in character. Site occupied by a bungalow. Land to front of dwelling laid to paviors (red/terracotta coloured). Limited frontage planting in small margin which is yet to establish itself.

CHARACTER OF LOCALITY

Residential. Bungalows. No other obvious structures forward of the front building line within the streetscene.

RELEVANT SITE HISTORY

P/14/07/	Ground floor extension	ApproveConditionally 23-03-2007
P/3/17/HH	Retention of free standing car port to front elevation.	ApproveConditionally 06-03-2017
P/53/62	2 detached bungalows type B245 with garage positions	ApproveConditionally 06-02-1963
P/53/62/A	Garages	Approve 03-07-1963

Car port the subject of this application previously permitted under P/3/17/HH. Permission personal to applicant due to their needs and requires car port to be removed following cessation of applicants occupancy of dwelling.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No representations received.

Comments on Representations received:

N/A.

CONSULTATIONS

Consultations responses received:

Pagham Parish Council: No objection provided that Condition 2 of the decision notice issued in connection with application P/3/17/HH is replicated for this application, ensuring the site is returned to its previous condition once the property is no longer occupied by the applicant.

Comments on Consultation responses:

Noted. This would be consistent with the previous planning permission which was granted due to the applicants personal circumstances.

POLICY CONTEXT

Designation applicable to site:
PD Restriction (Open Plan Condition)
No Public Sewer

DEVELOPMENT PLAN POLICIES

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

[Publication Version of the Local](#)

Built-up Area Boundary
The Form of New Development
SD SP2 Built-Up Area Boundary

Plan (October 2014):

D DM1 Aspects of Form and Design
Quality
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited weight in the determination of

planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

Policies 1 and 3 are relevant. Policy 1 directs new development to the built up area boundary. Policy 3 requires that the scale, density, massing, height, landscape, design, layout and materials of all development proposals; reflect and enhance the architectural and historic character and scale of the surrounding buildings and landscape.

PAGHAM DESIGN STATEMENT:

The Pagham Village Design Statement was adopted by the Pagham Parish Council in 2007 and also by Arun District Council for the purposes of development management. It is therefore a material consideration in the determination of this application. The Statement breaks up the district into several character areas and does this by road/area name.

The following Kings Beach Estate area criterion is relevant to the proposal:

* Retain open plan aspects, avoiding front garden walls; frontage and streetscape materials should be consistent.

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

PRINCIPLE

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as design, visual & residential amenity.

VISUAL & RESIDENTIAL AMENITY

As in respect of the previous application for this car port, despite the location of existing landscaping on part of the frontage, the car port is still highly visible within the streetscene. In fact, more so since its relocation further forward and due to it presenting its longer side to the street rather than the narrower front.

However although it has a fairly utilitarian form, it is also relatively simple in form and appearance and this minimises the level of impact and consequent potential harm to the streetscene. Being open sided further mitigates impact. It is therefore not considered that visual impact is significantly harmful

The car port is required to meet the needs of the applicant and given that the car port can be required to be removed by condition limited harm/impact on visual amenity which will occur would be mitigated in the longer term. It is not considered that given the design and appearance of the car port, harm to visual amenity is so significant that refusal notwithstanding the applicants particular needs is essential.

It is therefore proposed to impose a personal restriction on the permission to ensure that the structure is removed once the present occupier no longer occupies the dwelling.

The car port does not give rise to loss of light and is not unduly dominant in outlook.

PAGHAM VILLAGE DESIGN STATEMENT

Although the proposal impacts on the open plan nature of the property, it does not introduce any new boundary treatments and is not considered to be unduly detrimental to the open plan nature of the street. Impact is further mitigated as described above in this section of this report.

CONCLUSION

It is considered that given the needs of the applicant, the limited impact of the proposal and mitigation available by way of condition, that harm is not such that planning permission ought to be refused in these particular circumstances. It is therefore recommended that planning permission be granted subject to 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

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 approved shall be carried out in accordance with the following approved plans:

Drawing Number 001 A - Location and Block Plans - Dated 06.10.2017
Drawing Number 002 - Proposed Car Port Elevations - Dated January 2017
Existing Photographs - Received with Application
Planning Statement - Dated October 2017

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.

- 2 When the property ceases to be occupied by Mr Peter Hickey, the car port hereby permitted shall be removed and the site restored to its previous condition.

Reason: Permission would not normally be granted for such development in this forward of dwelling location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances of the applicant in accordance with policy GEN7 of the Arun District 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.