

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

REF NO: P/28/18/HH

LOCATION: 16 Sea Lane
Pagham
PO21 4UL

PROPOSAL: Timber framed car port.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposed 3.9m high car port for 1 car.
SITE AREA	Approximately 720 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Fence in form of a planter to front under construction during site visit.
SITE CHARACTERISTICS	Detached bungalow recently extended . The property has render elevations.
CHARACTER OF LOCALITY	Residential with detached bungalows on southern side of road, detached two storey and chalet style properties on northern side of road of differing styles and designs.

RELEVANT SITE HISTORY

P/38/15/HH	Demolition of garage & erection of side/rear extension	ApproveConditionally 03-07-15
P/97/13/PDH	Notification under the extended permitted development rights for rear extension	Prior Approv not req 05-11-13

Site history noted - a side garage was removed under the 2015 application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council
Objection -

on the grounds the development will comprise an unduly dominant and incongruous form of development which would be harmful to the character and appearance of the host property and wider area, contrary to policies GEN7 and DEV19 of the Arun Local Plan 2003 and the Pagham Village Design Statement

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted - policy DEV19 does not apply as the proposal is not an extension.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Art 4 Direction

Public Sewer On Site

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D SP1 Design

SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS Pagham Parish Council's Village Design Statement by PaghamPC

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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).

The Pagham Neighbourhood Development Plan has not been made however as it has reached Regulation 14 stage consideration is given to the policies of the plan - policy 1 has relevance to the application.

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 conflict with relevant Development Plan policies in that the car port by reason of its position, height and design would be out of character with the area causing harm to the established street scene and amenities of the 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.

CONSIDERATION OF ALTERNATIVE SITES

N/A

CONCLUSIONS

The car port is proposed to be in the front garden and be constructed of slates and Marley cladding. The position of the building is out of character with the street scene given that there are no similarly positioned structures in the vicinity and its position between the dwelling and the road makes it a prominent structure. It is of a height whereby it would be noticeable from a significant range of view points when viewed from the road and cause demonstrable harm to the character of the area. The planter is unauthorised at a height over 1m and the solid side elevations of the car port will rise to a height which will exceed the planter by 3m at its highest point. An appearance which will be alien and out of keeping with the established street scene.

It is therefore recommended to refuse the application, due to the above conflict with adopted and emerging policies and the Pagham Village Design Statement.

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 refusal 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).

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).

RECOMMENDATION

REFUSE

- 1 The car port, by reason of its position, height and design would be out of character with the street scene and cause unacceptable harm to the established character of the area contrary to policy GEN7 of the adopted Local Plan and DDM1 of the Emerging Local Plan (Main Modifications January 2018) and the Pagham Village Design Statement.
- 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 .