

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

REF NO: P/81/14/HH

LOCATION: Roselawn
Sefter Road
Bognor Regis

PROPOSAL: Wooden shed/garage at front of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed garage measures approximately 3.860m in width, depth of 5.486m and a maximum height of 2.861m.
SITE AREA	Approximately 528 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front has hedging approximately 2.2m in height with wooden electric entrance gates, east side boundary has close boarded fencing then hedging approximately 2.2m in height, west side boundary has close boarded fencing and hedging approximately 2m in height.
SITE CHARACTERISTICS	Detached bungalow with front bay window, single storey extension on rear. The property has brick elevations with a tiled roof and white window frames, tarmac driveway to front with grassed area.
CHARACTER OF LOCALITY	Residential road comprising detached properties on the northern side, mixture of semi-detached on the southern side.

RELEVANT SITE HISTORY

P/80/02/	Construction of single storey extension to rear of building to form self contained annexe.	ApproveConditionally 23-09-2002
P/170/71	Bungalow and garage	ApproveConditionally 19-01-1972

REPRESENTATIONS

Representations received:

Pagham Parish Council

Objection

Members of Pagham Parish Council were apprised of the development background of this property, where hitherto original garage provision had been the subject of conversion to separate "annexe" accommodation. The property had recently been refurbished and offered for sale. It appears, however, that there had been no reinstatement of the original garage and the current proposal would appear to seek to remedy that situation. In principle members were opposed to development in front gardens, particularly where character and streetscape of a location were of special value. The new ADC Local Plan reflects the similar concerns and commitments of the Planning Authority (Feb.2014 version)...Chapter 13 Design ..."13.3.24 Front garden amenity space...should reflect the character of other garden amenity spaces in the area and be designed in accordance with the 'Aspects of Form and Design Quality' policy"...13.4.4..."should respond to an analysis of the specific site...and the distinctiveness of the wider setting...reflect the style of the existing building"...13.4.5 "make a positive contribution to the locality" ...13.4.6..."Development by virtue of design would be detrimental to the built environment, amenity or character will not be permitted".

Pagham Village Design Statement 2007 - page 19 Development Criteria

1. Small scale, height and design sympathetic to area.

3. Respect style and open character of the area.

Members were concerned that such a development could promote similar applications by virtue of precedent. It was noted that the existing frontage comprised of high double gates and tall hedging. Some disparity in relative hedge and proposed building heights appeared to indicate that perhaps part or all of the structure might be found to benefit from

Comments on Representations received:

Parish Council comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

No Public Sewer

DEVELOPMENT PLAN POLICIES

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

Built-up Area Boundary
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

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

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 it would

report

have a materially adverse effect on the visual amenities of the locality, impact upon the street scene, character and appearance 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 application seeks to construct a garage to the front of the site.

The detached property is sited on the northern side of the main road where there are detached properties with substantial front gardens. The front boundary has a wall with hedging behind approximately 2.2m in height with wooden electric entrance gates to a height of 1.9m. The proposed garage will be sited in the south east corner approximately 1.7m from the front boundary and approximately 1m from the east side boundary. The area at the present time is laid to grass and the garage will be constructed on a concrete base and will measure approximately 3.860m in width, depth of 5.486m with a pitched roof to a maximum height of 2.861m and will be constructed of timber mid brown in colour with a felt roof.

The property initially had a detached garage but this was removed when the single storey annexe was constructed in the mid 80's.

With regard to residential amenity the proposal being sited to the front of the neighbouring properties Broadmark and Silver Mist is not considered to be overbearing or create a loss of outlook.

It was noted at the time of the officer's visit that Highfield had a small shed at the front sited behind the front boundary hedging but there were no structures of this size to the front of properties along this section of the road. The proposed garage in view of its siting adjacent to the front boundary would appear as a dominant and intrusive structure eroding the existing spacious and open character of the front garden and would be out of character and appearance within the street scene and surrounding area.

It is therefore recommended that the application be refused.

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), 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).

RECOMMENDATION

REFUSE

- 1 The proposal by reason of its siting and size would appear as a visual intrusion and erode the spacious and open appearance of the front garden and the surrounding area in conflict with Policy GEN7 of the Arun District Local Plan and policies DDM1 and DSP1 of the Emerging Local Plan, Paragraphs 56 and 57 of the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.