

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

REF NO: R/126/21/HH

LOCATION: 19 Botany Close
Rustington
BN16 2BJ

PROPOSAL: Installation of car port

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a car port at the front of 19 Botany Close. The materials consist of the white render walls and flat sedum roof. The car port will be 5.63m to the northern boundary, 12.36m to the east and 0.33m to the west. The car port has a maximum height of 2.45m which can be seen at the north elevation and maximum length of 6.28m which is at the eastern elevation.
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RELEVANT SITE HISTORY

R/1/20/HH	Alterations to existing planning application (reference R/139/17/HH) for 'Ground and first floor extensions to front & rear, dormer extension to rear elevation, balcony & staircase to rear elevation & detached garden room' This application proposes some changes changes to fenestration and the proposed screening to the rear balcony.	ApproveConditionally 02-03-20
PAA/80/20/	Proposed car port.	Refuse Pre App 15-09-20
R/139/17/HH	Ground & first floor extensions to front & rear elevations, dormer extension to rear elevation, balcony & staircase to rear elevation & detached garden room.	ApproveConditionally 10-10-17

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

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

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1 and D SP1 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Development Plan.

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.

Policy D SP1 states proposals should reflect the characteristics of the site and local area in layout, scale and character as well as other issues.

Policy 2 of the Rustington Neighbourhood Development Plan states proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area. This proposal relates to housing design and alterations to dwellings - this application is not for either of these so the policy does not apply.

Further guidance from the Arun Design Guide is relevant and referred to below.

DESIGN AND VISUAL AMENITY

The applicant submitted a pre-application (PAA/80/20/) which was refused due to the proposal being visible from the street scene and its dominant and harmful impact to the area as well as being out of character.

This application does not have considered the advice from the pre-application and the plans are very similar with no significant variations.

The proposal will be to the front, and due to its location it will be highly visible in the street scene and will have an impact on the street scene and wider area. The materials will match the host dwelling.

The car port sits at the front elevation of the property and will have a significant harmful impact to the street scene and wider area due to its location near the boundary. There are no similar proposals to this in Botany Close. The car port by reason of its size and position to the front of the building would be out of character with the area causing harm to the character of the area.

J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and in settlement character areas identified in section C.06 of the design guide. Section M, referring to householder extensions - however this is not an extension and the Design Guide does not have a specific section on outbuildings in Part M.

The proposal result in demonstrable harm on the character of the area, and as such, is deemed not to be in accordance with D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The car port sits at the front of the property, close to the front boundary. It is highly visible to Botany Close and sits 0.33m to the western boundary at 21 Botany Close. Due to the height and position it would not have a demonstrably harmful impact on the side neighbour.

As a result, this proposal would have a significant harmful impacts to the street scene due to its size and location.

The development is considered to be in accordance with D DM1 of the Arun Local Plan.

SUMMARY

The development is not deemed to accord with relevant development plan policies and as such 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.

RECOMMENDATION

REFUSE

- 1 The car port, by reason of its size and position forward of the dwelling, would have a significant adverse impact on the character of the area in conflict with policies D DM1 (1) and DSP1 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 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.