

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

REF NO: R/248/21/HH

LOCATION: 19 Botany Close
Rustington
BN16 2BJ

PROPOSAL: Installation of car port

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Construction of flat roof car port to front of property measuring approximately 5.8m in width by 5.1m in depth. It will have a sedum roof and be located approximately 6.8-5.9m away from the northern boundary and 900mm from the western. Resubmission of R/126/21/HH.

RELEVANT SITE HISTORY

R/126/21/HH	Installation of car port	Refused 13-07-21
PAA/80/20/	Proposed car port.	Refuse Pre App 15-09-20

REPRESENTATIONS

Parish Council - No objection.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Built up area boundary (BUAB)

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS**PRINCIPLE**

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 DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Part J.02 relates to building design and their scale and massing and states that development for new buildings or extensions and alterations to existing properties should responds to the existing scale and massing of the surrounding built environment and have an appropriate scale determined by their context, function and positioning stating that buildings within coastal towns will tend to have a larger scale.

Rustington has a made neighbourhood plan and policy 2 is of relevance and states that new development and alterations to existing dwellings should have regard scale, density, massing, height, landscape design, layout and materials which reflect local architectural and historic character. Proposal must also comply with Arun's Parking Standards.

PREVIOUS APPLICATION

This application is a resubmission of R/126/21/HH which is currently going through the appeals process with the Planning Inspectorate. R/126/21/HH was for a similar carport to the front of the property measuring approximately 6.3m by 5.1m. Located approximately 6.4m away from the northern boundary and 950mm from the western. It was refused on the grounds that "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 policy". It was noted by the officer at the time that due to its location it would be highly visible in the street scene and that it would have a significant harmful impact on the street scene and wider area.

This application proposes small changes to the width of the structure but it does not alter its location and therefore impact on the street scene.

DESIGN AND VISUAL AMENITY

This application differs in that the proposed width of the carport has been reduced from 6.3m to 5.8m. The agent has also stated that this application proposes to retain the existing site boundary treatments i.e. rendered wall and mature planting. However, from viewing the Planning Statement for R/126/21/HH it was noted that the retention of the hedging and wall to the front of the property was a feature of the previous application. Therefore the retention of the wall and hedging is not viewed as a new feature this time round.

The previous application was refused on the grounds that its siting at the front of the property would have a significant harmful impact to the street scene and wider area due to its location near the boundary. It is also noted that there are no similar proposals like this in Botany Close. Its positioning towards the boundary at the front of the property has not been altered for this application where its lesser width has no material bearing on its impact on the street scene. It is therefore the case that the previous reason for refusal has not been overcome.

The agent has suggested other examples of garages on the street which are built forward of the building line; however in all of these instances the garages are tightly located near to the main dwellinghouse, if not adjoined and as such they form a condensed massing on their respective sites.

It is therefore considered that due to the positioning of the garage, situated forward of the building line adjacent to the front boundary will have a negative impact to the character of the area in conflict with policies D DM1 and D DM4 of the Arun Local Plan, Part J.02 of the Arun Design Guide and policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed carport would sit 900mm away from the boundary with the property to the west and it will not have any windows nor a scale which could cause overbearing or overshadowing issue to the neighbour.

As such it is considered to accord with policy D DM4 in that there will be no negative impacts from overbearing, overlooking and overshadowing.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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 D DM4(a) of the Arun Local Plan, policy 2 of the Rustington Neighbourhood Plan and Part J.02 of the Arun Design Guide.
- 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.