

Recommendation Report for Planning Permission

REF NO: R/30/12/

LOCATION: 13 Chaucer Avenue
Rustington

PROPOSAL: Erection of garden shed to house mobility equipment

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed structure is sited within the front garden of the site, adjacent to a recently constructed driveway and vehicle crossover onto the public highway. The structure measures approximately 2.4metres in width x 1.6metres in depth x 2.4metres in height.
SITE AREA	Approx. 350sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dwarf brick wall with timber trellis above, approximately 800mm in all.
SITE CHARACTERISTICS	Semi detached single storey dwelling, render elevations, hipped red tiled roof. Corner plot.
CHARACTER OF LOCALITY	Sited within a residential area, mix of types and styles of 1 and 2 storey properties within close proximity.

RELEVANT SITE HISTORY

R/65/10/	New driveway and path providing level access to the side door of the property and onto the pavement at the front of the property	Approve Cond 02-06-2010
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REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection; the material make-up of the shed and the prominent nature of its location in front of the property would be detrimental to the appearance of the street scene and could, if the application was approved, set a precedent which would make it difficult for the Local Planning Authority to resist similar proposals in this vicinity. The cumulative effect of which would be to alter the character of the locality to the detriment of the amenities of the area.

5 Letters of objection: (2 from the same address)

- Eyesore and looks like a temporary building found on a building site.
- Totally out of keeping and cheapens the look of the area.
- Shed could be site in the rear garden as there is adequate access via the rear lane which No.9 already use for there scooter.
- Rear garden could be easily accessed via the rear lane as residents of 9 Chaucer Avenue do with their scooter.
- Ruins view from 33 Milton Avenue.
- No other sheds or garages are in the front gardens of properties within the area.

1 Letter of support:

- Sections of the Equalities Act 2010 referred too, in particular Section 149 and the due consideration it must be given.
- Advised that the application should be granted permission as the applicant is defined as disabled in the Equalities Act 2010 and any refusal would conflict with the Act.

Comments on Representations received:

All comments are noted and are addressed accordingly within this report.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary
The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 have a materially adverse effect on the visual amenities of the locality as well as 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

The garden shed which seeks retrospective permission is sited within the front garden of the site close to the front boundary with Chaucer Avenue. As such, the garden shed is prominent within the street scene. The structure has a white PVC finish with double doors opening onto the driveway, with its intended purpose being to house a mobility scooter and other equipment for the applicant.

Whilst the need for the structure is fully noted, its siting and appearance is problematic. Local and National policy requires that new development will only be granted for schemes which display a high quality design and layout which in this case is not achieved. The structure does not appear as a domestic garden enclosure that you would expect in a residential garden which together with its siting being contrary to the layout of the street scene, results in an alien structure which detracts from the established character and appearance of the street scene.

It is therefore recommended that the application application be refused for the following reason:

HUMAN RIGHTS ACT

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 negative impact has been identified upon those people with the following protected characteristic (disability).

To address any negative impacts identified the following mitigation measures have been proposed. Advice will be available to the applicant advising of a more appropriate appearance and location for such a structure to overcome the reason for refusal.

RECOMMENDATION

REFUSE

- 1 The siting and design of the proposed structure together result in an obtrusive feature in the street scene which detracts from its established character and appearance. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.