

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

REF NO: R/62/20/HH

LOCATION: Smugglers
4 Botany Close
Rustington
BN16 2BH

PROPOSAL: Erection of detached garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a detached garage to the front elevation of the host dwelling.
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RELEVANT SITE HISTORY

R/2/20/HH	Demolition of existing sunroom and erection of two storey side extension with front projection in addition to front single storey infill extension with balcony over.	ApproveConditionally 20-03-20
R/204/16/HH	Outbuilding in garden to side of property & external cladding to first floor of existing house.	ApproveConditionally 04-10-16

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
Parish Council - No objection.

2 letters of objection from 1 household:

- There is an existing workshop adjacent to the boundary.
- The garage will feel imposing and overshadowing.
- There will be a loss of privacy.
- There will be a loss of light.
- There may be loss of views.
- The foundations of the proposal may restrict the neighbours from building a similar structure.
- The proposal alters the appearance of the street scene.

OFFICERS RESPONSE TO REPRESENTATIONS:

Comments noted and will be addressed in the conclusion section. Loss of views and speculative

consideration of future developments are not planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The Council's Arboriculturalist - No objection.

- The Arboriculturalist recommends conditions relating to a pre-commencement site meeting in order to ensure the TPO tree in the area is suitably protected.

POLICY CONTEXT

Designation applicable to site:

Within 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

ENVDM4 ENV DM4 Protection of trees

[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 policy is deemed to be D DM1 of the Arun Local Plan. Additionally, 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 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.

Policy 2 of the Rustington Neighbourhood Development Plan states that development 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.

DESIGN AND VISUAL AMENITY

Due to the siting of the proposed garage, there will be views of the proposal from the public realm. As a result of this, the visual appearance of the garage is a large consideration of the application, as there are

few examples of garages so close to the street scene within the area.

The proposed garages is considered to be sensitively designed in order to not result in any significantly harmful impact upon the character of the locality. This is as a result of its modest slope angle and ridge height helping alleviate any potentially dominant presence it may have within the street scene. Furthermore, the use of subdued, sylvan materials allow the proposed garage to appear greater integrated with its siting in the front garden of the host dwelling.

A condition will be applied to the permission in order to require the submission of further details relating to the proposed landscaping surrounding the garage, which will further mitigate any potentially harmful impact arising as a result of the development.

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

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overshadowing or overbearing impact upon the occupiers of neighbouring dwellings. The proposed garage has a maximum height of 4.1m however, this is approximately 3.8m from the North-Eastern boundary of the application site, when adjacent to this boundary (at a distance of approximately 0.8m) it is at its eaves height of 2.2m. It is considered that any potentially harmful impact will be screened by both the existing boundary fencing and the proposed landscaping. The proposed development is not considered to result in any loss of privacy to occupiers of neighbouring dwellings, as a result of its single storey nature.

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

TREES

The proposed garage is sited within the Root Protection Area of a Protected Tree, of which is within the neighbouring dwellings' garden. This tree has a significant amenity value within the area due to its siting and size. The Council's Arboriculturalist has assessed the scheme and has proposed conditions of which are recommended to be applied to the decision which will mean that the tree is retained unaffected.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval 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). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

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

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plan:

- Plans, Elevations, Roof Plan and Block Plan - Garage - Proposed - 183038/07 - Rev. A - 22/06/20

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place until details have been submitted to and approved by the Local Planning Authority of the proposed landscaping surrounding the proposed garage. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.
- 4 Prior to commencement and before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, the Arboricultural Expert representing the site owner(s) must provide the local authority's Tree Officer with written confirmation that verifies all protective fencing has been installed and is 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan, Arbortrack Systems Ltd., Appendix: A, July 2020.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.
- 5 If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without

adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 6 INFORMATIVE: Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010

Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

- 7 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.