

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

REF NO: WA/17/26/HH

LOCATION: Fairview
8 Daffodil Gardens
Arundel Road
Fontwell
BN18 0XQ

PROPOSAL: Proposed garden building for ancillary use.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Walberton Parish Council - No response received.

No representation received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

**TREE OFFICER -
BACKGROUND**

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. Previous consideration from site and familiarity with surrounding area provides further insight to the proposal.

This is the first development proposal (incl. works affecting trees protected by a preservation order) affecting this plot, to come forward since the development of Daffodil Gardens, following approval of WA/63/19/PL.

TREE SURVEY INFORMATION

The applicants have employed Beechdown Tree Consultancy to prepare a Tree Survey & Report, inclusive of an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, for this project.

The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012. I agree with the retention category ratings for on and off-site trees.

HIGHER VALUE TREES OVERLAPPING DEVELOPMENT

Higher value trees (retention category B) and one subject of a Tree Preservation Order (their ref. T8), are largely grouped in the southeast corner of the plot. This is the proposed location for the garden building.

VIABILITY OF LAYOUT PROPOSAL

The extent of incursion into the root protection area of retained trees is within recognised limits of tolerance and given the proposed construction methodology (i.e. supervised installation of screw piles and elevated floor of structure), can be delivered without significant harm occurring.

Crown spread from one protected oak and other retained trees is affecting at present and will develop if left, given their high growth potential. Falling debris and risk associated with branch failure may be low but a single event of high impact on what is a less resilient structure than main dwelling, could dramatically alter the occupier's perception of them and subsequent management intentions. I find the siting of the building somewhat ill-conceived for this reason. It seems optimal to position it due west, beyond the influence of higher value trees.

CONCLUSIONS

Although not pursuing the optimal siting of the building relative to higher value trees on and overlapping the site, I believe the proposal is compliant with policy and standards relating to trees and development and overall has a low arboricultural impact.

The principle of development as described is achievable without undue detriment to retained trees, provided there is adequate site supervision at key stages by the project arboriculturist. I am confident that the proposed arboricultural supervision would be effective in ensuring adequate mitigation against potentially damaging treatment of existing soil structure.

RECOMMENDATION

If the application is to be approved in its current form, the following conditions should be applied.

POLICY CONTEXT

Prone to Groundwater Flooding
Tree Preservation Order
Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a large plot containing a detached dwelling at the end of Daffodil Gardens. This application seeks planning permission for a detached garden outbuilding. The outbuilding would be sited towards the south east corner of the garden and would not be visible from the street scene.

The garden room would measure 11.7m wide, 7.5m deep and 3m at maximum height. The mono-pitched roof would overhang part of the front elevation to create a terrace. The walls would be finished in black cladding and fenestration would be black aluminium. Due to the siting of the garden room, it would have minimal impact on the visual amenity of the property, and it would not be incongruous or prominent within the street scene, given the existing boundary treatment and mature vegetation along the site boundary.

Given the size of the proposed outbuilding, a condition has been attached to the permission stating that the garden room must remain ancillary to the host dwelling, so that it cannot be used as a separate unit of accommodation.

The proposed garden room would not appear as an overdevelopment of the site. The proposal is in accordance with Arun Local Plan policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The garden room would be sited to the south east corner of the garden and would be screened by mature vegetation. The outbuilding would be set in 1.3m at its closest point from the boundary with neighbours to the rear. Due to the siting, the height and shallow mono-pitched roof form of the outbuilding and the spacing maintained between the outbuilding and the neighbours to the rear, the proposed outbuilding would not result in overbearing or overshadowing impacts.

The outbuilding features fenestration which overlooks the private garden and does not result in any overlooking impact or loss of privacy on the neighbouring dwellings.

The proposed garden room is in accordance with Arun Local Plan policy D DM1 in that it would not result in adverse overshadowing, overlooking, or overbearing effects on neighbouring properties.

TREES

The applicant has provided an Arboricultural Survey and Report which outlines that two coppiced Hazels with G1 are to be removed to facilitate the development. The report states that the proposed outbuilding has the potential to impact directly on the root protection area (RPA) of the offsite Ash (T6), Laurel (T7), English Oak (T8), Sycamore (T9), and onsite Laurel (T3).

The Council's Tree Officer provided comments on the proposed development. Although not pursuing the optimal siting of the building relative to higher value trees on and overlapping the site, the proposal is compliant with policy and standards relating to trees and development and overall has a low arboricultural impact.

The principle of development as described is achievable without undue detriment to retained trees, provided there is adequate site supervision at key stages by the project arboriculturist. The proposed arboricultural supervision would be effective in ensuring adequate mitigation against potentially damaging treatment of existing soil structure. Conditions have been attached to this planning permission to ensure that the proposed development is carried out in accordance with the submitted details. As a result, the proposal would be in accordance with ALP policy ENV DM4.

SUMMARY

The proposed development is in accordance with relevant Development Plan policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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 plans:

Location and Site Plan 01
Proposed Site Plan 02
Proposed Site Plan 04
Proposed Plan and Elevations 05
Tree Survey and Report B/0642/26

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Before any machinery is introduced to the site or construction work takes place, a brief written statement (with supporting photographic evidence) is required from the Arboricultural Consultant representing the site owner(s), confirming and demonstrating that all protective fencing and any necessary ground protection, has been assessed 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, Appendix 6 of Tree Report, Beechdown Tree Consultancy, ref. B/0642/26.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Arun Local Plan policies D DM1 and ENV DM4. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 4 All activity at the site is to be carried out in strict accordance with: - Tree Survey & Report (Arboricultural Method Statement), Beechdown Tree Consultancy, ref. B/0642/26.

Part b)

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 BS5837:2012 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 in accordance with Arun Local Plan policies ENV DM4 and D DM1.

- 5 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Fairview, 8 Daffodil Gardens and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 6 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.