

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

REF NO: WA/21/18/HH

LOCATION: Midwood
West Walberton Lane
Walberton
BN18 0QS

PROPOSAL: Carport & room in roof in existing garage.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The proposal seeks to erect a carport attached to the existing detached garage. It also converts the first floor of the garage to a bedroom and en-suite bathroom, including the addition of two windows.
SITE AREA	Approx. 1943sq.m.
TOPOGRAPHY	The site is set up slightly higher than the road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front and side boundaries are bordered by hedging varying in height from 3m to 1.8m.
SITE CHARACTERISTICS	The site is populated by a detached two storey dwelling. The garage that the proposal relates to sits south of the main dwelling, adjacent to the road. Due to the foliage, the views available into the site are limited.
CHARACTER OF LOCALITY	The area is populated by a mix of housing styles and types.

RELEVANT SITE HISTORY

WA/5/97	Detached garage	ApproveConditionally 13-03-97
None.		

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Engineers - Apply condition ENGD2A.

Southern Water - Southern Water require a formal application for any new connection to the foul sewer made by the applicant or developer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. ENGD2A will be applied. The informative that Southern Water requested will be added to the notice also.

POLICY CONTEXT

Designation applicable to site:
Outside of built up area boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The Main Modifications to the Arun Local Plan (2011-2031) were previously out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Walberton has a 'made' neighbourhood plan. Policy HP13 is considered to be relevant to this development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 GEN3 of the Arun District Council Local Plan in that this is unrestricted residential development outside the built up area boundary.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. There would be no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, as a result of the development, nor would it have an adverse impact upon the established character of the surrounding area from the granting of permission.

CONCLUSIONS

PRINCIPLE

The application site is situated outside of the built up area boundary as defined by GEN2 of the Arun District Council Local Plan. The proposal is for alterations to an existing building within the plot of an existing dwellinghouse. However, it is considered that the proposal is in conflict with GEN3 of the Arun District Council Local Plan, which seeks to protect the countryside "for its own sake". However, the proposal is in accordance with C SP1 of the Emerging Local Plan, as it is in accordance with D DM4 of this plan. Development can be in accordance with C SP1 if it refers to a specific use or type of development that is covered by another policy (as this development is in accordance with D DM4). In this case, the key policy considerations are deemed to be GEN7 of the Arun District Council Local Plan, D DM1 & D DM4 of the Emerging Local Plan and HP13 of the Walberton Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

Whilst the proposal is visible from the street scene, it is not deemed to have a significantly detrimental impact on the established spatial pattern, or visual amenity of the area. This is predominantly due to the large intervening foliage that lies between the street and the application site. Additionally, the proposed materials and modest largely open scale of the development allow it to remain subservient in appearance, and sympathetic in style to both the host dwelling, and the existing garage.

The proposed alterations to the existing garage are considered to be acceptable in terms of design and visual amenity. The proposed extension is not substantial enough to have any considerable impact upon the street scene, or the established character of the site, in that the only views of the proposed extension would be from the North, within the site. Additionally, the proposed new windows on the Southern and Western elevations of the roof are not considered to have a demonstrably negative impact on the appearance of the garage.

Therefore, the proposal is deemed to be in accordance with GEN7(ii) of the Arun District Council Local Plan and HP13 of the Walberton Neighbourhood Plan in terms of design and visual amenity.

A separate unit of accommodation in this location would be unacceptable due to the unacceptable impact that this would have on the character and appearance of the area. However, this unit is for ancillary use and the matter will be controlled by condition.

NEIGHBOURING RESIDENTIAL AMENITY

There are two proposed windows that form part of the application. One window is on the Southern elevation of the roof, which allows views towards the street scene and to the east elevation facing the neighbouring property there are no windows that could potentially allow overlooking.

Due to the siting of the property is over 15m away, which is considered to be significant enough to prevent any significant loss of privacy at the property. Additionally, the proposal is not considered to have any significant overshadowing or overbearing impact on the adjacent property.

Therefore, the proposal is deemed to be in accordance with GEN7(iv) of the Arun District Council Local Plan.

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 plans:

- Location, Block/Site plan - dwg. 1500
- Proposed Floor Plans - dwg. 1500 - 03
- Proposed Elevations - dwg. 1500 - 04
- Propose Elevations - dwg. 1500 - 05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The annex accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Midwood, West Walberton Lane as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan 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.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 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.