

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

REF NO: WA/49/14/HH

LOCATION: Spinneys
West Walberton Lane
Walberton

PROPOSAL: Car port

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The car port is to be situated forward of the property in the north-west corner of the site.
SITE AREA	Approximately 1200 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing and trees to the front at over 4m in height. Trees to the front sides and rear generally over 2m in height.
SITE CHARACTERISTICS	A detached bungalow with wooden clad elevations and a hipped roof with brown pantiles. There is a detached garage to side (east) of the property with a pitched pantiled roof that matches the property.
CHARACTER OF LOCALITY	Residential in character but situated within a rural setting. The street scene has a verdant appearance with well established and high tree screening to the front of properties. The subject property is no exception.

RELEVANT SITE HISTORY

WA/76/12/	Ground floor rear and side extension with roof extension.	ApproveConditionally 19-02-2013
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REPRESENTATIONS

Representations received:
Walberton Parish Council
No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water - No Objection

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Felpham.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon 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 site is located outside the built up area boundary where the principle of new development is unacceptable. In such locations, extensions and alterations to residential buildings will not be permitted, unless the proposal complies with policies DEV19 and GEN7.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for a detached car port located forward of the property and in the north-western corner of the site. The car port will provide space for two vehicles and will have shiplap timber elevations. The design of the structure will have a fairly open appearance to the front.

The front boundary comprises of dense tall trees and fencing which will substantially hide the structure. The car port in its use of shiplap timber is considered to be in-keeping with the rural character of the road. There is also a verge measuring approximately 4m in width which will further buffer the structure from the road and means that it will not appear unduly prominent in the street scene. It will have a height of approximately 2.9m and a footprint of 24 sq m which is not so large so as to visually compete with the dwellinghouse.

The new shingle driveway is considered porous by its nature which is sufficient to not cause any run-off discharging into the road.

It is therefore considered acceptable in design terms and so complies with policies DEV19 and GEN7.

RESIDENTIAL AMENITY

The car port will be situated approximately 10m away from the property of Brookside to the north. This comfortable separation distance together with dense high trees in this portion of the site including a Sycamore on the boundary will mean that it will not appear overbearing or overshadowing on to this or any other property.

It is therefore acceptable in residential amenity terms.

It is therefore recommended that the application be approved, 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 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

Duty under the Equalities Act 2010

In assessing this proposal, a neutral impact has 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.

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: drawing number 211.1 (Location plan, Block plan, Proposed elevations)

dated August 2014.

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 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.