

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

REF NO: WA/4/19/HH

LOCATION: Ashogle
Eastergate Lane
Walberton
BN18 0BA

PROPOSAL: Alterations to the approved detached garage/store to be used as a detached garage/annex to the main dwelling (Retrospective)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks retrospective consent for alterations to a previously approved detached garage/store to be used as a detached garage/annex to the main dwelling. These are predominantly external, as to allow it to be used as an annex, although, externally there is the addition of first floor windows.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

CONSULTATIONS

Southern Water Planning

Engineers (Drainage)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Southern Water - Due to surface water inundation issues in the Lidsey Catchment, the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House,

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	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

CONCLUSIONS**PRINCIPLE**

The application site is situated outside of the built up area boundary as defined by SD SP2 of the Arun Local Plan (2011-2031). The proposal is for extensions and alterations to an existing building within the plot of an existing dwellinghouse. However, the proposal is in accordance with C SP1 of the Local Plan, as it is in accordance with D DM4 of this plan. In this case, the key policy considerations are deemed to be D DM1 & D DM4 of the Arun Local Plan (2011-2031) and Policy HP13 of the Walberton Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy C SP1 of the Arun Local Plan states that land outside of the Built-up boundaries will be defined as countryside, and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted. 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).

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.

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 proposed materials and modest, largely open scale of the development allowing it to remain subservient in appearance and sympathetic in style to the host dwelling.

The proposed alterations are considered to be acceptable in terms of design and visual amenity, in that they do not have any considerable impact upon the street scene, or the established character of the site. The proposed new windows on the Eastern and Western elevations of the roof are not considered to have a demonstrably negative impact on the appearance of the building.

Therefore, the proposal is deemed to be in accordance with D DM1, D DM4(a) and (b) of the Arun 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

The proposed development is not considered to have any significant impact upon the residential amenities of neighbouring dwellings. The proposed windows are sited on the Eastern and Western elevation of the roof slope. To the East, the closest adjacent property is approximately 17m away, which is considered to mitigate any potential for loss of privacy. To the West, this area of land is not used for residential purposes. The two proposed velux style windows are located sufficiently high (1.7m above ground floor level) to prevent unacceptable overlooking. Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the 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:

- Floor Plans & Elevations - As-Built - Location & Block Plans - 2943-02 - Rev B - 16.01.2019

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

Reason: To accord with policy D DM1 of the Arun 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 **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.