

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

**REF NO:** WA/55/13/

**LOCATION:** Richmond House  
Arundel Road  
Walberton

**PROPOSAL:** 3 bay oak framed garage

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                                                                                 |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above. The garage will be situated to the front of the property. It measures approximately 8.8m in length, approximately 6m in depth and approximately 4.9m in height. It will be constructed from a brick plinth and oak cladding with rustic cement tiles. |
| SITE AREA                  | Approximately 1500 square metres.                                                                                                                                                                                                                               |
| TOPOGRAPHY                 | Predominantly flat                                                                                                                                                                                                                                              |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                                                                                  |
| BOUNDARY TREATMENT         | Brick piers and walling near the front entrance at approximately 1.5m in height. Hedging and trees to front and sides of property generally over 2m in height.                                                                                                  |
| SITE CHARACTERISTICS       | A two storey detached property with brown brick elevations. The roof is hipped and a dominant feature of the property with slate roof tiles. There are two dormers on the front elevation.                                                                      |
| CHARACTER OF LOCALITY      | Predominantly rural in character. The property marks the northern extent of Walberton Village beyond which lies open countryside. The A27 is situated to the east.                                                                                              |

**RELEVANT SITE HISTORY**

|           |                                                |                                    |
|-----------|------------------------------------------------|------------------------------------|
| WA/92/03/ | Alterations and additions to existing property | ApproveConditionally<br>03-12-2003 |
|-----------|------------------------------------------------|------------------------------------|

**REPRESENTATIONS**

**Representations received:**

Walberton Parish Council  
No objection.

**Comments on Representations received:**

Noted.

## CONSULTATIONS

Southern Water Planning

### Consultations responses received:

None

### Comments on Consultation responses:

None

## POLICY CONTEXT

Designation applicable to site:  
Outside the Built Up Area Boundary

## DEVELOPMENT PLAN POLICIES

|                           |                      |                               |
|---------------------------|----------------------|-------------------------------|
| Arun District Local Plan: | <a href="#">GEN3</a> | Protection of the Countryside |
|                           | <a href="#">GEN7</a> | The Form of New Development   |

## PLANNING POLICY GUIDANCE

|      |                                    |
|------|------------------------------------|
| NPPF | National Planning Policy Framework |
|------|------------------------------------|

## POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

## 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 relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and has 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**

### **PRINCIPLE**

The site is located outside the built up area boundary where the principle of new development unrelated to the purposes of agriculture is unacceptable as per policy GEN3 of the Arun District Local Plan. The proposal is therefore in conflict with this policy.

### **DESIGN AND VISUAL AMENITY**

The proposed garage with parking for three vehicles will be situated fronting Arundel Road and at a distance of approximately one metre from the front boundary. The garage will be stepped in by approximately the same amount from the western boundary. It is a sizeable structure measuring approximately 8.8m in length and approximately 4.9m in height. It will be constructed from a brick plinth and oak cladding with rustic cement tiles.

The character and appearance of this section of Arundel Road is predominantly rural with open fields opposite the property. Whilst development is more concentrated in form and urban in appearance to the west of the property, residential properties along this stretch of Arundel Road are generally well set back from the road to maintain a feeling of openness and a verdant appearance in the street scene. The garage at this height and length in such close proximity to the front boundary will be unacceptably prominent and will have a suburbanising effect on the predominantly rural appearance of the street scene. Whilst the front boundary screening comprises trees and hedging which is acknowledged to go some way in mitigating the visual impact created by the garage, its excessive footprint and prominent front boundary location means that such treatment will be insufficient to mitigate the harm caused to the street scene.

It is therefore considered to conflict with policy GEN7(ii) of the Arun District Local Plan.

### **RESIDENTIAL AMENITY**

The triple bay garage is considered to not cause any unacceptable adverse impacts on to neighbouring residential amenities on account of the absence of immediate development to the east and west of the site. It is therefore considered to comply with policy GEN7(iv).

In conclusion, owing to the harmful and unacceptable effect that the proposed garage will have on the street scene, it is recommended that the application be refused for the following reason.

## **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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in

this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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**

##### **REFUSE**

- 1 The triple bay garage by reason of its large size and close proximity to Arundel Road would cause unacceptable harm to the open appearance of this rural locality and will have an unacceptable urbanising effect on its character and appearance in conflict with policies GEN3 & GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.