

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

REF NO: WA/71/14/HH

LOCATION: Woodcroft
West Walberton Lane
Walberton

PROPOSAL: Construction of a detached building to provide annexe for an elderly relative & single garage (amendment to WA/23/93)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a single storey garage/annexe building measuring 9m by 6m in area. The accommodation comprises a single bedroom with a wet room and a kitchen/living room. It would have a pitched roof with an eaves height of 2.2m and a ridge height of 5.1m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and ranch style fencing to most of road frontage to approx. 1.5m. Fencing is broken in the area in front of the position of the proposed building. Ranch style fencing to neighbouring property to the west.
SITE CHARACTERISTICS	Detached 2 storey dwelling with painted rendered elevations and slate roof. Porch to front. Much of front garden area is gravel surfaced with driveway and parking.
CHARACTER OF LOCALITY	Predominantly rural characterised by large detached dwellings of varying design, in large curtilages, set back from the road. Trees and hedging dominate the site frontages.

RELEVANT SITE HISTORY

WA/23/93	Two storey side and rear extension forming annexe and kitchen with bedroom over and 3 car garage	ApproveConditionally 04-06-1993
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WA/80/94

Utility room with extended bathroom over

ApproveConditionally

25-11-1994

WA/23/93 for a 2 storey side and rear extension to the dwelling and triple garage was approved on 04-06-1993. The 2 storey extension was constructed so the permission was implemented. The erection of the triple garage remains outstanding.

REPRESENTATIONS

Representations received:

Walberton Parish Council

No objection or comment

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water - No Objection in principle. Informative requested.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)

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

The Form of New Development

D DM1 Aspects of Form and Design

Quality

D SP1 Design

PLANNING POLICY 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.

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; Bersted; Felpham; Littlehampton; Yapton

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 proposed annexe building would be prominently sited forward of the dwelling, adjacent to the road. However it would be located in a similar position to that approved for a triple garage in 1993 as part of planning permission WA/23/93. This structure could be erected without the need for planning permission since other elements of the permission have already been implemented. The building has the same floor area and is slightly higher by approximately 20cm. The roof shape is identical to that approved, the dovecot flue has been deleted.

The building would be constructed of materials to match the existing dwelling and the amount of accommodation proposed would ensure that the use of the building would remain ancillary to Woodcroft. A condition is suggested to ensure that the garage remains ancillary in use since it is detached from the dwelling.

The annexe would be set back 2m from the road frontage and 2m from the side boundary and would benefit from some boundary screening in the form of hedging. Other garages are sited forward of dwellings in this location.

The proposal is therefore considered to be acceptable in terms of visual amenity and character of the area. It would have no adverse effect on residential amenity since it borders the front garden of the property to the west and there are no adjacent structures.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 neutral 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).

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 plan 11423.02, floor plan and section 11423.03, elevations 11423.04 and roof plan 11423.05.

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 accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of Woodcroft as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy 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 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

- 5 INFORMATIVE: 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' The public sewerage system should be protected from inundation and infiltration which contribute to flooding in unfavourable conditions.

- 6 INFORMATIVE: 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 contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

- 7 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.