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

REF NO: Y/104/23/HH

LOCATION: 28 Downview Road
Yapton
BN18 0HJ

PROPOSAL: Retrospective planning application for a garage conversion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION — This application seeks retrospective planning permission for a garage conversion.

RELEVANT SITE HISTORY

Y/70/19/HH	Extension to front elevation & conversion of existing rear conservatory.	ApproveConditionally 19-11-19

REPRESENTATIONS

Yapton Parish Council - Objection as the application is retrospective and the development is out of keeping within the garage compound. Concerns regarding building regulations approval and lack of drainage information.

Three objections were received relating to:
Structural issues with the introduction of fenestration.
Party wall issues.
Light pollution.
Increased use of the grange compound by pedestrians.
External changes out of keeping with other two garages.
Fears the garage may be used as a dwelling.
Setting a precedent for conversions of garages within compounds.

Issues relating to building regulations and party walls are not considered as part of an application for planning permission. The fact that the application is retrospective does not prejudice the application, which must be assessed according to its merits. Character and issues relating to the change of use of the garage are addressed in the report below.

CONSULTATION RESPONSES RECEIVED:

None

DEVELOPMENT PLAN POLICIES

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)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan, and guidance set by the Arun Design Guide.

Yapton also has a made Neighbourhood Development Plan (NDP). Policy H4 is relevant and relates to the quality and design of new developments.

DESIGN AND VISUAL AMENITY

The site is a garage situated at the end of a row of three garages, within a garage compound. The garage adjoins the rear boundary of 28 Downview Road, but the garage conversion is not accessible via the garden of 28 Downview Road. The garage compound is accessed via a passageway between nos. 28 and 30 Downview Road and external changes to the garage would only be visible to other users of the compound.

The external changes involve the addition of a window and door in place of the original up and over garage door. There is also a large central roof light. Although the appearance of the garage differs from neighbouring garages, these changes are acceptable and will not have an unduly negative impact on visual amenity.

It is acknowledged that the provision of facilities in the garage would make it possible for the garage to be used as a dwelling. A condition has therefore been attached ensuring that the use of the garage remains ancillary to the use of 28 Downview Road as a dwellinghouse.

The proposal does not compromise the spatial character of the area in accordance with policy D DM1 and D DM4 of the Arun Local Plan, policy H4 of the Yapton NDP and the Arun Design Guide.

RESIDENTIAL AMENITY

The conversion of the garage may result in an increase in the intensity of the use, including additional pedestrian traffic in and out of the garage compound. However, a similar increase in the intensity of the use of the garage could occur if the original use of the garage for parking and domestic storage was maintained. The conversion of the garage space will not have a negative impact on residential amenity.

The alterations to the fabric of the garage will not result in additional harmful overbearing, overshadowing or overlooking in accordance with policy D DM4.

Parking

There will be a loss of 1 parking space from the garage however as the use is ancillary to no 28 and there is paring in the vicinity so there will be no demonstrable harm on amenity or highway safety from

additional parking.

SUMMARY
The proposed development accords with the relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Plans and Elevations WD 1 B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

2 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 28 Downview Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 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.

3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.