

Recommendation Report for Planning Permission

REF NO: Y/111/19/PL

LOCATION: Mayfield House
Yapton Road
Barnham
PO22 0BJ

PROPOSAL: Proposed residential annex along with an infill extension to join the annex to the main dwelling following demolition of existing garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The original proposal was for a variation of conditions 2 & 4 following the granting of Y/37/18/HH; 2-provision of detached garage to include infill matching pitched roof & associated dormers & 4-window to be standard glazed & normal opening provisions.

As the totality of what was being proposed could not be done under a 'variation of condition application' the description of the application was changed to 'Proposed conversion of detached garage to a residential annex along with an infill extension to join this proposed annex to the main dwelling'.

Proposed materials all to match existing house - roof tiles, painted render walls and cladding. Two 'approved' front dormers to be combined to match similar on existing house.

The proposed annex would consist of a Double Bedroom, Lounge / Diner, Kitchen with a full Doc M wet room with shower and WC facility at both levels plus a stair lift, with the provision of external ramps / hand rails to front and rear access doors etc with all necessary doorways being wheelchair accessible.

A new rear facing fire escape window is proposed for the rear elevation of the infill extension. To ease mobility an access ramp with support rails is proposed for both the front and rear elevation of this converted annex.

For the front elevation the proposed combination of the two separate pitched roof dormers into one longer flat roof dormer would provide the additional headroom needed to facilitate the wet room and WC facilities.

The obscure windows at the rear which were conditioned as part of the most recent application (Y/37/18/HH- Replacement

Garage) are to be replaced with clear glass. One of these rear windows is to be removed.

Provision is also proposed for direct access connection from the existing house at both levels to facilitate care as required.

SITE AREA	0.120 Hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	On the north west side boundary there is 2m high hedgerow at the front and large mature trees at the rear. A 2m high fence runs along the south east side boundary. The front south western boundary consists of trees and 3m high hedgerow.
SITE CHARACTERISTICS	Detached two storey dwelling with existing detached side garage/barn. The front garden has been laid to hardstanding with a garden to the rear. The site is on a corner plot with access to Poundlee and Yapton Road.
CHARACTER OF LOCALITY	Small line of detached residential dwellings in rural location outside of the built up area boundary. The properties are set back from the road with off-street parking to front and gardens to rear.

RELEVANT SITE HISTORY

Y/37/18/HH	Replacement garage	ApproveConditionally 07-09-18
Y/107/15/HH	Proposed alterations to existing garage including new roof with gablet & new First Floor store	ApproveConditionally 16-02-16
PAA/138/13/	Conversion of existing garage/ farm building to self contained annex	Refuse Pre App 31-01-14
Y/27/13/	Proposed 2 storey rear extension	ApproveConditionally 10-06-13

Comments noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council- No objection.

1 objection to the proposal:

- Vastly different from Y/37/18/HH. It has changed from 'a games room above garage space' into a two-storey dwelling with permanent residents. We believe that the final building will, in effect, create two semi-detached houses that stretch right to the very edge of our boundary resulting in a building that will be disproportionately large for the width of the plot.

- Amendments will have enormous impact upon our privacy, particularly if permanent residents occupy the new space. The previous application was accepted with the condition that 'frosted' glass would be used at the rear (condition 4). If this condition was applied when only occasional use of the 'games room' was proposed, the case for imposing this condition is far stronger with permanent residents.

- The extension would initially be occupied by elderly people, and we are sympathetic towards this situation, but the assertion that the couple will normally be 'downstairs' cannot be guaranteed, the space may be occupied by other people in the future, and we do not believe this represents a sound reason for the removal of any of the conditions that were previously applied.

- The dormers at the front look directly into our drive and front garden area. This becomes a much bigger imposition on our privacy if the 'extension' is to be occupied by permanent residents. If the previous application was not acceptable as a separate dwelling (condition 3) then surely this should not change just because the two buildings are "joined up" in the middle. This seems to be a ploy to manipulate the planning process in an unacceptable way.

- Amendments will have a significant impact upon privacy. We object to the change of use to a permanent dwelling space. This change has a significant impact on privacy and the amendments result in over-intensive use of the space, is wholly inappropriate for the site that it would occupy and is detrimental to the surrounding neighbourhood.

COMMENTS ON REPRESENTATIONS RECEIVED:

A condition has been added to ensure this annex remains ancillary to the main dwelling. The conclusion section below responds to the other points made.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary
Lidsey drainage catchment area

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)
DSP1	D SP1 Design
DDM2	D DM2 Internal space standards
HSP1	HSP1 Housing allocation the housing requirement
WMDM1	WM DM1 Waste Management
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

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).

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

PRINCIPLE

The site is outside the built up area boundary where the principle of development is unacceptable. As this is a householder extension to an existing building there is no in principle objection to the extension. Development is acceptable in principle, subject to normal development control criteria and being sensitive to the surrounding character. In this case the key policies are deemed to be D DDM1 D DM4 and D SP1 of the Local Plan. Policy BB1 of the Yapton Neighbourhood Development Plan.

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.

D DM4 relates to extensions to buildings.

Policy SD SP1 of the Arun Local Plan states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

Yapton Neighbourhood Plan 2014 has no relevant policies for this proposal.

Para 118(d) of the NPPF states: "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

The floor space of the building would be large and include an upper floor. As such it could be converted to a separate unit of accommodation in the future. To prevent the building being used as a separate residential unit without the benefit of planning permission a condition will be included so it can only be used incidentally to the host dwelling.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep in the general confines of the overall character of a locality. ALP policy D DM4 seeks to ensure proposals are subservient and well designed and avoids harm to neighbouring dwellings. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130 and 131 are all relevant.

Para 122 states decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Para 131 states that great weight should be given to innovation, high standards of design and sustainability measures so long as they fit in with the overall form and layout of their surroundings.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

Both approved and proposed development retain the same basic 'street scene' view including overall height and in-line frontage. Instead of two ridge roof dormers the proposed has one combined cladded flat roof dormer. The garage door is to be replaced with a window and a door is proposed for the infill part of the extension. As such, it is considered to have no detrimental impact on the street scene and is acceptable in design and visual amenity terms.

NEIGHBOURING RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires the LPA to have regard to certain aspects when considering new development including:

No YNDP policies specifically refer to residential amenity issues. One of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

QE SP1 of the Arun District Local Plan states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

ALP policy D DM4 sets out the policy with regard to alterations and extensions to existing (residential and non-residential) buildings. This includes that extensions and alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The only neighbouring dwelling potentially effected would be Hill View to the North West. This property has a large double garage on its south-eastern side which come to approx. 1m of this common boundary. Hill View would be more than 10m away with its own garage in-between. The chief difference between this proposal and the previous is the removal of the obscure glazed glass on the rear elevation. An existing window on this rear elevation would be replaced with a fire escape window further from this common boundary. The remaining bedroom window has been reduced in size and moved slightly away from this common boundary.

Whilst it is accepted the first floor bedroom windows have the potential for overlooking into the front and rear gardens of Hill View due to the angles, distance and existing boundary condition it is not considered to be of an unacceptable level to recommend refusal. The previous condition that required obscure glazing was overly cautious and the amended window form (the closest one being smaller) limits overlooking opportunities.

As such it is considered the proposal would have an acceptable impact on neighbour's residential amenity, in line with ALP policies D DM1, QE SP1 and D DM4.

PARKING

Policy T SP1 of the Arun Local Plan supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

Arun District Council has recently adopted its own Parking Standards SPD.

Paragraph 32 of the NPPF is clear in that although safe and suitable access for all people should be achieved, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this case it was not considered necessary to consult WSCC.

The proposed would result in an additional bedroom and the loss of the garage space however there is ample off street parking available on the large driveway already. The proposal would not lead to additional on street parking pressure.

SUMMARY

Therefore, based on the above analysis and excluding the internal layout the proposed conversion is to all intents and purposes similar to the previously approved scheme, the proposal is not considered to have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings.

The application is recommended for conditional 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 (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

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

The Council has recently adopted a new Community Infrastructure Levy on 1st April 2020.

Details of the charging schedule can be found here:

<https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n14676.pdf&ver=15027>

The applicants have been granted an annex exemption for which no CIL payment is due.

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 No. 20A, Drawing No. 12B, Drawing No. 11C, Drawing No.11B, Drawing No. 19-11-GD-233, Drawing No. 19-11-GD-233-7A, Drawing No.19-11-GD-233-07A, Drawing No.19-11-GD-233-08A, Drawing No.19-11-GD-233-13A, Drawing No.19-11-GD-233-14A, Drawing No.19-11-GD-233-15A, Drawing No.19-11-GD-233-16A, Drawing No.19-11-GD-233-17, Location Plan

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 materials and finishes of the external walls and roof of the buildings hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 4 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Mayfield House as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 and D DM4 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.
- 5 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.