

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

REF NO: Y/121/20/HH

LOCATION: 14 East Bank
North End Road
Yapton
BN18 0DJ

PROPOSAL: Installation of a dropped kerb

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a dropped kerb to allow vehicular access to the front of the property

RELEVANT SITE HISTORY

Y/41/16/HH	Demolition of existing single storey lean-to & replacement with single & two storey rear extensions.	ApproveConditionally 05-09-16
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REPRESENTATIONS

Yapton Parish Council provided no objection.

No representation received from nearby occupiers.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways

The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues. These amendments will allow the LHA to make a thorough decision on highways safety grounds.

- Visibility splays crossing 3rd party land,
- The access is 6.42m.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1 of the Arun Local Plan.

DESIGN AND VISUAL AMENITY

The application seeks a dropped kerb to enable vehicular access to the front of the property. There are similar arrangements to the neighbouring properties and as such is not out of character.

Due to the minor scale of development, the proposal is not considered to result in adverse impacts upon the spatial pattern or character of the area and accord with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the type of development proposed, the application is not deemed to harm amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 of the Arun Local Plan.

WSCC HIGHWAYS

The proposal requires additional information relating to visibility and the width of the access in line with WSCC consultation. As such a decision cannot be made with regards to the safety of the works upon the highway.

SUMMARY

The development is refused due to a lack of information regarding visibility in lines with WSCC consultation.

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), 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 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

REFUSE

- 1 In the absence of adequate information demonstrating the full visibility extent and access width it can not be demonstrated that the proposal would not result in harm to highway safety contrary to policy TSP1 of the Arun Local Plan.
- 2 **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 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.
- 3 **INFORMATIVE:** An amended application showing all relevant details would be welcomed.