

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

REF NO: Y/29/21/HH

LOCATION: Magnolias
Church Lane
Yapton
BN18 0EH

PROPOSAL: Erection of double garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Yapton Parish Council:

Objection due to encroachment on the street scene, impact on the Conservation Area which is made worse through the height. Furthermore, the previous refusal has not been addressed sufficiently.

2 Objections:

- Out of character with the surrounding area
- Impact on Conservation Area
- The scheme will detract from the Listed Building
- Permission for this will set a precedent for works to the front of properties within the area.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

[Yapton neighbourhood plan 2014 Policy E8](#)

Conservation Areas

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1 of the Arun Local Plan. Additionally HERDM1 and HERDM3 as well as Policy E8 of the Yapton Neighbourhood 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.

Policy E8 Policy of the Yapton Neighbourhood Plan explains within the Church Lane and Main Road/Church Road conservation areas development proposals will be required to preserve or enhance the character of those areas.

DESIGN AND VISUAL AMENITY

The character of the locality is considered to a mixed, as a result of the variety of dwelling styles, siting and scales along Church Lane. The garage is in the front garden of the dwelling and will be the first of its kind along the North side of Church Lane. To the Southern side of the road are two listed buildings nearby.

The garage measures 5.875m wide, 6.525m deep and 4.7m high, sited in the South Western corner of the application site. The boundary treatment to the front boundary is hedging of approximately 3.1m in height with the proposal being raised from the street level, with side boundaries bordered by approximately 4m high foliage. There will be limited views of the garage (including its roof) from the street scene and therefore not significantly and harmfully impact upon the character of the locality.

As such, it accords with policy D DM1 of the Arun Local Plan and Section J of the Arun Design Guide which states that development should be designed to respond to the opportunities and constraints presented by the application site.

NEIGHBOURING RESIDENTIAL AMENITY

The development is not considered to result in any unacceptable harmful overbearing or overshadowing impact upon the occupiers of nearby dwellings. This is as a result of the siting of the proposed single storey garage as being over 10m from the closest neighbouring dwelling. With regard to potential for loss of privacy to nearby occupiers, the single storey nature of the proposal is considered to ensure that any views from the garage are no different from the application site at current.

Due to the design and siting of the garage, it is not considered to adversely impact on the appearance of the street scene and as such is deemed to accord with D DM1 and D DM4 of the Arun Local Plan and J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and in the settlement character areas identified in section C.06 of the design guide.

The development is considered to be in accordance with D DM1(3) of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Paragraph 189 of the NPPF requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the development does not cause harm to the conservation area to which it is sited near, or the Listed Buildings in the locality. This is due to the fact that the scheme will result in limited impact upon the appearance of the host dwelling within the street scene. The siting of the elements which have potential to result in an impact on the appearance of the host dwelling are sited to the front on the top of the raised front garden of the dwelling. As such, due to this siting, and the significant boundary treatment the proposal is not considered to result in any harmful impact upon the established heritage assets. As such, the proposal should be determined in accordance with the relevant sections of the Development Plan including HERDM1 and HERDM3.

SUMMARY

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

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

This application is not CIL Liable.

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 Plan
 - Block Plan 01/A
 - Proposed Elevations 03/A
 - Floor Plans and Sections 04A
 - Site Lines A1

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 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 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.