

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

REF NO: Y/31/18/HH

LOCATION: Willows
Hoe Lane
Flansham
PO22 8NT

PROPOSAL: Conversion of existing integral garage to habitable space & erection of detached garage & seating enclosure.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to convert an existing garage into a utility/store room and to erect a garage and seating area to the rear side of the property.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front of the property is open plan with the rear and side boundaries consisting of extensive hedging and trees.
SITE CHARACTERISTICS	The site is situated on a large plot and consists of a large detached house and attached double garage to the front of the property.
CHARACTER OF LOCALITY	The area is predominately residential in a rural location with a mix of housing styles and designs.

RELEVANT SITE HISTORY

Y/23/93	Extension to provide garden furniture store and poolside facility	ApproveConditionally 10-09-93
Y/24/91	Erection of front boundary wall and entrance gate.	ApproveConditionally 03-06-91
Y/23/89	Replacement of existing porch extend garage and cover with pitched roof	ApproveConditionally 28-03-89
Y/22/89	Glazed enclosure for existing swimming pool	ApproveConditionally

Y/85/15/NMA	Application for non-material amendment following planning application Y/16/15/HH for change of materials	Approve 22-10-15
Y/69/15/NMA	Application for non-material amendment following planning permission Y/16/15/HH for change of materials	Approve 15-09-15
Y/62/15/DOC	Application for approval of matters reserved by condition imposed under Y/16/15/HH relating to Condition No. 3 - Surface Water Drainage	DOC Approved 06-10-15
Y/16/15/HH	Rear extension and external works to include replacement of existing roof, re-cladding of exterior walls and addition of front canopy and porch	ApproveConditionally 02-04-15
Y/51/10/	Addition of canopy and porch to front elevation.	ApproveConditionally 23-08-10

Relevant site history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council provided no response
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Southern Water requested a standard informative be added

Drainage requested a standard condition ENGD2A will not be added as the size of the development is similar to what can be erected as permitted development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Drainage condition will be included.
Southern Water informative will be included

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Drainage Area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV19	Extensions to existing residential buildings
GEN3	Protection of the Countryside
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

Yapton neighbourhood plan 2014 Policy BB1 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The plan is subject to consultation until 23rd February 2018.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Yapton has a 'made' neighbourhood plan with policy BB1 considered relevant to the application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 conflict with relevant Development Plan policies in that it is outside the built up area boundary where development is not normally permitted by policy BB1 of the YNDP.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely the size, design and appearance of the dwelling would not cause harm to the character or appearance of the area or neighbouring residential amenity.

CONCLUSIONS

PRINCIPLE

The proposed development falls outside of the built up area boundary. However the application seeks permission for an extension and conversion of an existing garage to an existing dwelling located within a residential area. Therefore the principle of development is considered acceptable and as such will be assessed against relevant development plan policies.

DESIGN AND VISUAL AMENITY

The proposal seeks to convert an existing garage to a utility/store room and erect a detached garage and seating area to the rear side of the property and as such will be slightly visible from the street scene. The proposed garage will be constructed of oak timber with roof tiles to match the existing house and as such

will blend in with the surrounding rural environment and existing property.

The proposal is located around 44m from the front boundary and is therefore not considered to negatively impact the surrounding character of the area and accord with the policy GEN7 and DEV19 of the Arun District Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed change of use of the existing garage into a habitable space will include the installation of 2 windows to the southern elevation which will overlook the street scene and 1 window to the eastern elevation. However with 9m to the eastern boundary and extensive hedging there will be no loss of privacy to the nearby neighbours and with no changes to the size of the building , it is considered to accord with the relevant development plan policies.

The construction of a detached garage and seating area to the rear side garden will be constructed to a height of around 5.1m with an eaves of 2.6m. The garage/seating area will have a width of around 11.5m. However there is still a 4m separation to the west , 28m to the east and 71m to the rear and due to the boundary treatment, the proposal is therefore not considered to be overbearing or overshadowing to the neighbouring amenity. The garage will install a 1 non-opening glass panel and due to the location will not give rise to any overlooking and therefore the proposal is considered to accord with GEN7 and DEV19 of the Arun District Local Plan.

SUMMARY

The proposed development is deemed to conflict with relevant development policy BB1 as it is outside the built up area in the YNDP. However demonstrable harm is not caused to interests of acknowledged importance and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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.

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 and Block Plan - P01
 - Proposed Floor, Elevation and Roof Plan - P02
 - Survey Drawing - S01

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 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>. Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, 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 discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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". Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

- 4 **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.