

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

REF NO: Y/35/18/HH

LOCATION: Brickfield
Hoe Lane
Flansham
PO22 8NW

PROPOSAL: Removal of existing timber garage & workshop & replacement with flint & brick built garage & workshop with pitched tiled roof.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
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RELEVANT SITE HISTORY

Y/12/18/DOC	Application for approval of details reserved by condition imposed under planning permission Y/100/15/PL relating to condition No. 3 (Surface water drainage)	DOC Approved 14-03-18
Y/67/14/PL	Retention of goat compound.	Refused 03-11-14
Y/42/14/PL	Detached food storage and light machinery store (resubmission following Y/7/14/). This is a Departure from the Development Plan.	Refused 12-09-14
Y/7/14/	Application for a detached food storage and light machinery store. (This application is a Departure from the Development Plan.)	Refused 01-04-14
Y/53/11/DOC	Application to discharge conditions 3 and 5 following a grant of planning permission Y/1/11	DOC Approved 16-11-11
Y/1/11/	Replacement dwelling (This is a Departure from the Development Plan)	App Cond with S106 09-03-11

Y/9/10/	Replacement Dwelling (This application is a departure from the development plan). Resubmission following Y/85/09	Refused 01-04-10 Appeal: Dismissed 05-08-10
Y/5/06/	Replacement dwelling. (Departure from the Development Plan).	ApproveConditionally 24-03-06
Y/75/05/CLE	Application for a certificate of lawfulness for an existing use - for the use of the mobile home and building parts of the structure as one dwelling	Approve 04-01-06

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

1 letter of neighbour representation has been received:

No application notice has been posted locally for this application or if it has it has been removed.

Please review the conditions imposed on previous application ref: Y/66/14/HH.

At no time has there been a 'wooden garage and workshop on site - previous applications for a large garage were refused.

Conditions imposed on previous application Y/66/14/HH 'were to prevent the storage of vehicles, machinery and watercraft'.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer

Please apply standard condition ENGD2B.
Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also

have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary;
Special Control of Adverts;
Archaeological Notification Area;

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Yapton neighbourhood plan 2014 Policy BB1](#)

Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

THE PROPOSAL

This application seeks permission for the removal of the existing timber outbuildings and erection of flint and brick built garage and workshop which would measure approximately 4.2 metres in width, 17.4 metres in depth and 3.8 metres in height. The proposal would incorporate garage doors into the front elevation, windows and 2 doors into the side elevation facing the existing dwelling and a window into the rear elevation.

POLICY

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 Yapton Neighbourhood Plan 2014-2029 applies in this case:

Policy BB1 - Built-Up Area Boundary is relevant to this application.

It is noted within the Yapton Neighbourhood Plan that Flansham is considered to merit designation as a Conservation Area or as an Area of Special Character and that such a designation will be strongly supported.

The proposal is considered to conflict with relevant development plan Policies, in this case C SP1, as it would not fall within any of the types of development considered acceptable.

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. Even though the proposal would not fall within 1 of the appropriate types of development as listed in the development plan under policy C SP1 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties. Also the proposal would not have an adverse impact upon the established character of the surrounding area.

CHARACTER OF LOCALITY

Rural location with linear residential development. House to the east and bungalow to the west of the site. Many of the properties are obscured from open view by vegetation. Beyond the site to the south is countryside.

SITE DESCRIPTION

Brickfields is the site of a bungalow as previously approved under previous application ref: Y/1/11/PL. It is a mix of flint and brick with a red tiled roof. The existing outbuilding is located on the western side of the dwelling and backs onto the boundary hedge. The western side is also used as an access from the front to the rear garden and associated land.

The land to the rear consists of an open field which stretches towards the south and is being used for the accommodation of various animals and machinery.

The application site is predominantly flat but rises from Flansham Lane.

DESIGN AND VISUAL AMENITY

The site lies in a countryside location outside the built-up area boundary where the principle of development is considered unacceptable unless it complies with the exceptions listed under Policy CSP 1. Whilst none of the exceptions apply in this case the site enjoys a residential curtilage as approved under Y/1/11/PL.

The proposed outbuilding would replace the existing wooden outbuilding with a flint and brick outbuilding which would match the external materials used in the dwelling forming Brickfields. Officers note that the outbuilding proposed is bigger than the 2 outbuildings (sheds) granted under previous retrospective application Y/66/14/HH, which appear to have been replaced at some point with the existing wooden outbuilding(s). Even though the proposal would be larger than the 2 garages granted under previous retrospective application Y/66/14/HH, it is considered that the proposal has been sensitively designed to be of a modest size and scale which would be subservient to the adjacent dwelling. Additionally the proposal would utilise external materials and feature details which would match those in the adjoining dwelling, Brickfields.

The external materials that are to be used are as follows:

Doors: timber.

Roof: plain clay tile to match Brickfields.

Walls: flint panels with brick details and quoins to match Brickfields.

Windows: stained softwood timber casement windows.

From an assessment it is considered that the above materials would be acceptable.

Overall, from an assessment of the plans and Officer's site visit the proposed outbuilding(s), would be acceptable in design terms as they would be of a size and scale that harmonises with not only the existing dwellinghouse but also the wider area and countryside. Therefore the proposals would not be unduly prominent or out of keeping.

The proposed extension is considered to accord with Policy D DM1 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY

The proposed outbuilding(s) would be sited in a location where as a result of being on the western side of the site and against a 2.5 metre high hedge it would not lead to any overlooking, loss of light, overbearing effect, overshadowing and loss of light/sunlight to nearby residential properties.

The outbuilding would be screened by the existing dwelling and the existing, aforementioned hedging to the north western boundary. Additionally the proposal would be set back from the rear of the front boundary by approximately 23.7 metres.

While the boundary to the south of the site would not offer a similar level of screening, any viewpoints to the south would be over a long distance such that there would be no harm to views from this direction.

As such it is considered that the proposal would comply with with policy D DM1 criterion 3 - Impact, of the Arun Local Plan 2011-2031.

PARKING AND HIGHWAY SAFETY

The proposal would not have an affect existing off-road parking to the front of the dwelling and as such parking levels would remain the same. The proposed garage element would lead to an increase in the number of available parking spaces rather than a reduction.

The existing access, to the front of the site, would continue to be used. Therefore it is considered that no highway safety issues would occur as a result of the proposed development.

As such, it is considered that the proposal would comply with T SP1 of the Arun Local Plan 2011-2031.

IMPACT ON TREES AND LANDSCAPE

From the Officers site visit it was noted that there are a number of tree/hedging along the common boundary of property 'Hedgerows'. From an assessment of the submitted application form, plans and Officer's site visit it is considered that no detrimental harm would occur to any tree/hedging of any significance.

OTHER

Comment has been received that no application notice has been posted locally for this application or if it has it has been removed. A site notice was not posted during the original 8 weeks of the application determination date. A site notice was posted on the 06/07/2018 and no decision was made until after the 21 days of the notice had expired (date on notice 27/07/2018). The Notice was placed on the telegraph pole nearest the application site. An extension of the determination date was agreed in order to facilitate the site notice being put up and any resultant comments being taken into account.

Comment has been received with regards to the conditions imposed on previous application Y/66/14/HH which were to prevent the storage of vehicles, machinery, watercraft, etc. Officers have considered this condition and the fact that the applicant is proposing a garage element and do not consider that the restriction storage of vehicles, machinery, watercraft, etc would be necessary. Such a restriction is not considered necessary as the proposed garage is of a size and scale that is considered would not be able to store vehicles of any considerable size. The restriction was originally part of condition number 3 of application ref: Y/66/14/HH which intended to prevent the use of the 'shed' outbuildings being used for purposes in connection with the keeping of animals on the land to the rear of the dwelling or in connection with any other private business. Officers consider that a condition could still be applied, without restricting the storage of vehicles, machinery, watercraft, etc, which would still maintain the incidental nature of the outbuilding(s)

Comment has also been received whereby at no time has there been a 'wooden garage and workshop on site - previous applications for a large garage were refused. It is noted that a number of planning applications for machinery stores were previously refused (see planning history). These application proposed a lager building to the rear of the site in a much more open countryside siting. Officers do not consider the scale and siting of these outbuildings to be comparable with what is currently proposed by this application.

RECOMMENDATION

It is recommended that the planning application is granted subject to the imposition of appropriate and reasonable conditions.

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:

Site Location Plan dated 04/05/2018, Existing Ground floor Plan Dated 15/04/2018, Existing Elevations Dated 02/05/2018, Existing Front Elevation Dated 23/04/2018, Proposed Front Elevation Dated 23/04/2018, Proposed Elevations Dated 23/05/2018 and Proposed Ground Floor Plans Dated 30/04/2018.

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

- 3 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactory drained in accordance with policies D DM1, W DM1 and WDM2 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 4 The building hereby permitted shall be used solely for the purposes incidental to the occupation and enjoyment of the dwelling known as Brickfields.

Reason: To accord with policy D DM1 of the Arun District Local Plan and to prevent the use of the building being used for purposes in connection with the keeping of animals on the land to the rear of the dwelling or in connection with any other private business.

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.