

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

REF NO:	Y/3/18/HH
LOCATION:	The Potting Barn Hobbs Court Bilsham Road Yapton BN18 0JY
PROPOSAL:	Retention of existing timber utility area, external air source heat pump & timber fence

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The retrospective proposal includes; 1) a utility extension at the northern end of the barn extension measuring 3 metres by 4 metres centrally located within the northern single storey gable end elevation with a pitched roof set 1 metre below the ridge of the main dwelling house roof. 2) A freestanding external air source heat pump in a white box case 40cm wide, 1.3 metres high by 1 metre long set 30 cm from the east facing gable end elevation of the original Potting Barn building approximately 2.5 metres from a 1.8 metre boundary fence. 3) The following alterations to the approved boundary treatments (Y/19/15/DOC) a) 1.8 metre trellis fence on the southern boundary instead of the approved 1.8 metre wicker fence.(Note - the new trellis fence matches the 1.8 metre trellis fencing used at the listed building adjoining this southern boundary). b) A 1.8 metre close boarded timber fence and gate along part of the western boundary behind the immature boundary hedging approved under the original condition approval (Y/19/15/DOC). c) 1.8 timber trellis and 1.8 metre wicker fence on part of western boundary in place of a 900 mm timber cleft chestnut fencing.
SITE AREA	Approx. 0.07 hectares
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Western boundary - 1.8 metre close boarded fence and hedging Southern boundary - 1.8 metre timber trellis fence Eastern Boundary - 1.8 metre timber trellis fence with a 1.8 metre wicker fence on the outside and 1.2 metre timber cleft

	chestnut fencing Northern boundary - 1.2 metre timber cleft chestnut fencing
SITE CHARACTERISTICS	A single storey brick built former piggery building with a pitched roof with added extensions doubling its size to form an L-shaped dwelling and associated garage now complete. The building is part of a wider development of 4 dwellings within the listed buildings at Hobbs Court and sits adjacent to the site car park which it shares with the other dwellings.
CHARACTER OF LOCALITY	With the exception of the site, the adjoining Hobbs Farmhouse development and some further dwellings & industrial buildings to the southeast, the character of the surrounding area is rural.

RELEVANT SITE HISTORY

Y/19/15/DOC	Application for approval of matters reserved by condition imposed under Y/88/13 relating to conditions 4, 5, 6, 7 & 9 - Road & wall materials, boundary fences, joinery (windows & doors), drainage & bat survey	DOC Part Approved 07-04-15
Y/4/18/L	Listed Building Consent for retention of existing timber utility area, external air source heat pump & timber fence	
Y/32/14/L	Application Listed Building Consent for proposed conversion of outbuilding to single dwelling	Approve Conditionally 02-07-14
Y/88/13/	Proposed conversion of outbuilding to single dwelling	Approve Conditionally 02-07-14

Y/88/13/ - Original Planning Permission for the conversion and extension of the potting barn.

Condition 5 - No development shall take place until details of all screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such screen walls and/or fences associated with them have been erected.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Listed Building by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework.

Condition 10 - Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches and dormer windows) to the dwelling houses shall be constructed or outbuildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

Y/19/15/DOC - Application for approval of matters reserved by condition imposed under Y/88/13 relating to conditions 4, 5, 6, 7 & 9 - Road & wall materials, boundary fences, joinery (windows & doors), drainage & bat survey.

Arun District Council have decided to APPROVE details reserved by this condition
The details submitted in respect of the screen walls namely the use of: (1) retention of existing northern & eastern hedges; (2) new 900mm high timber cleft chestnut fencing to the western boundary; and (3) new 1800mm high hazel wattle fence to the southern boundary are all considered to be satisfactory and satisfy the requirements of the condition.

SUMMARY

The originally approved plans did not include a utility extension at the northern end of the barn extension, or an external air source heat pump at the eastern end of the original building under the original planning permission Y/88/13/ and the fences installed on the southern, eastern and western boundaries vary from the boundary treatments approved under Y/19/15/DOC.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council
No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Environmental Health
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - No objection

ADC - Environmental Health - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

CLASS B ROAD
 OUTS BUILT AREA
 SPEC CONT ADVTS
 LB GRADE II
 PD RESTRICTION
 NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

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

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings

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 Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 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).

No policies in the Yapton Neighbourhood Plan relate to this 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 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

CONCLUSIONS

PRINCIPLE

The proposed utility room extension and air source heat pump would be located on a dwelling outside of the built up area where development is not normally permitted subject to a number of exceptions. At part (v) of policy GEN 3 an exception is if the development is in accordance with a policy in section 2 and/or 3 relating to a specific use or development. In this case the relevant policy is DEV 19 - Extensions to Existing Residential Buildings.

Subject to the compliance with policy DEV 19 the general principle of the development would be acceptable subject to other policies within the Local Development Plan which would include policy GEN 7 of the Arun District Local Plan relating to design and amenity of new development, policy HER DM1 of the Emerging Arun District Local Plan and policy E9 of the Yapton Neighbourhood Plan which both relate to developments that affect Listed Buildings.

DESIGN AND VISUAL AMENITY

The extension, as constructed, is subservient to the existing dwelling with a pitched roof ridge height 1 metre lower than the main ridge and a front elevation set back 1 metre from the front elevation of the dwellinghouse.

The materials of construction, fenestration and the roof pitch, match that of the existing dwellinghouse and the 1.8 metre close boarded fencing to the front masks the impact of the extension such that the extension visually integrates with the main dwellinghouse. As a result of the above the extension does not affect the spatial character of the surrounding area. The extension therefore complies with parts (i), (ii) and (v) of policy DEV 19 of the Arun District Local Plan,

The air source heat pump cannot be seen from outside of the site as it is in a space between the side elevation of the property and a 2 metre trellis fence. The alterations to the fencing of the property are similar to the boundary treatments of surrounding property and have a limited visual impact as a result. The extension as set out above blends in well with the existing building and local area and therefore as a whole the proposed developments are considered to comply with policy GEN 7 (ii) in that they respect local distinctiveness and respond positively to the characteristics of the site.

RESIDENTIAL AMENITY

The extension as constructed is set well away from any neighbouring properties and does not have any impact on them with respect to overlooking, overshadowing or overbearing impact. The extension therefore complies with part (iv) of policy DEV 19 of the Arun District Local Plan

The air source heat pump has no impact on the amenity of neighbouring properties as it cannot be seen above the boundary treatment. No objection has been received from the Council's Environmental Health officer.

The boundary treatment is not higher than originally permitted and therefore has no additional impact on the amenity of neighbouring properties.

The development as a whole complies with parts (iv) and (v) of policy GEN 7 of the Arun District Local Plan which relate to the amenity of the applicants and neighbours residential amenity.

The development applied is considered to be in accordance with the Local Development Plan and is recommended for approval subject to the following 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 retrospective development hereby approved shall permitted in accordance with the following approved plans;

Dwg.no. 001 A - Site Location and Block Plan Existing dated July 2017

Dwg.no. 005 A - House Plan Existing dated July 2017

Dwg.no. 006A - House Elevations Existing dated July 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District 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.