

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

REF NO: Y/49/19/HH

LOCATION: Rilbrook House
Hoe Lane
Flansham
PO22 8NW

PROPOSAL: Demolition of existing garage and replacement with a new build garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish and replace an existing garage.
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RELEVANT SITE HISTORY

Y/16/19/CLP	Lawful development certificate for the proposed replacement of detached garage.	PP Required 30-04-19
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Yapton Parish Council

Yapton Parish Council provided no objection however has concerns that the ridge height will be overbearing upon the neighbouring property at Red Barn.

1 letter of support received from nearby occupier.
- It will have no adverse impact upon the locality.

Comments noted. The neighbouring property at Red Barn has an application approved for a replacement dwelling of larger scale and therefore the garage will not appear overbearing if that permission is implemented. Even if the permission for the neighbouring dwelling is not implemented the extra height/size of the garage is not considered so significant that significant harm would arise to their residential amenities.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
 Outside up area boundary
 A.S.C (Adverts)
 Archaeological Notification Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	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

CONCLUSIONS

PRINCIPLE

The site is located outside of the built-up area boundary as set out within both the Yapton Neighbourhood Development Plan (YNDP) and the Arun Local Plan. YNDP policy BB1 seeks to restrict new development in the countryside and does not include householder development within the list of exceptions to this. However, policy C SP1 of the Arun Local Plan does state that development will be permitted in the countryside where it is in accordance with other policies in the Plan. Policy D DM1 refers to aspects of form and design quality. In the event of conflict between development plans, the more recent plan takes precedence namely - the Arun Local Plan. Therefore, subject to compliance with D DM1 and other policies the proposal will be acceptable in principle.

DESIGN AND VISUAL AMENITY

The garage is to the side of the existing dwellinghouse and sits just beyond the principal elevation.

The garage is situated 13m behind the front boundary and with gates in place at the front, the view is slightly restricted. The garage replaces an existing structure however is slightly larger in size. It is however situated on a spacious plot and is not considered to appear unduly dominant.

The garage is not considered to appear out of keeping with the property or with the area consisting of properties of a varied style and design.

Due to the siting and design the proposal will not alter the spatial pattern or character of the area and accord with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The garage will be 4.4m in width and 5.5m in depth, with a total height of 4.2m with 2.1m to eaves.

Due to its siting, which is slightly forward of the neighbouring properties and with hedging located at the boundary the garage is not considered to result in adverse overbearing or overshadowing impacts.

There are 2 windows to the south and north elevation which face the street scene and the garden of the host dwelling. With the garage at single storey the proposal is not considered to provide adverse impacts upon neighbouring amenity additional to that which is already achieved.

The proposal is not considered to harm neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 of the Arun Local Plan.

SUMMARY

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

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 - 295/01
 - Proposed Garage Floor and Elevation Plan - 295/02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy DDM1 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.