

Recommendation Report for Planning Permission

REF NO: Y/6/20/PL

LOCATION: 17 Canal Road
Yapton
BN18 0HD

PROPOSAL: Retrospective application for change of use of land to garden land & erection of workshop/hobbies building & pergola.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retrospective change of use of land to rear of the property to garden land and for the construction of workshop/outbuilding with pergola.
BOUNDARY TREATMENT	The fence surrounds the site to the rear and sides.
SITE CHARACTERISTICS	The site is occupied by a two storey semi detached property.
CHARACTER OF LOCALITY	The area is predominately residential.
None	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Yapton Parish Council

No objection subject to a conditional restricting the use as storage and ancillary to the main dwelling.

2 letters of representation received from nearby occupiers

- They are trying to legalise the seizure of land.
- The land is for parking.
- The shed is built 15m from my windows.
- It blocks my access.
- They've opened a production line for flowers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The land to the rear has been in the use by the property for approximately 20 years , shown on land registry and historical images.

The parking to the rear is on a first come , first serve basis with no allocated parking for any of the dwellings.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design

[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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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 accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 of the Arun Local Plan. Yapton has a made Neighbourhood Plan with BB1 of relevance to the application.

BACKGROUND

From evidence collected from land registry and historical images, the land appears to have been in use as garden land for around 20 years. This would mean that the change is immune from enforcement control however In order to regularise the use it has been included within the application.

DESIGN AND VISUAL AMENITY

The proposal seeks the change of use of the land to the rear of the property to garden land and the retention of an outbuilding and pergola.

The garden land narrows to the rear where it meets with a rear parking area. The land that is seeking regularisation has already been incorporated into the garden. This has a depth of around 8-9.3m and a width of approximately 6m.

A workshop/outbuilding has been constructed to the rear garden land and would ordinarily fall within permitted development due to its size. However as it forms part of the land that is seeking change of use, the land does not hold permitted development rights and therefore permission is required for the outbuilding also.

Due to the siting of the outbuilding and pergola, it not visible from the wider street scene however is visible from the rear of the property which backs onto a parking area.

The structure has a flat roof and is of a modest height at 2.5m. The pergola is open in appearance and sits no higher than the outbuilding.

The change of use of the land is not considered to impact the appearance of the street scene as a result of the siting and due to its incorporation into the garden which took place a number of years ago.

Whilst the outbuilding and pergola is visible from the rear parking area, there is a large garage to the neighboring property and it is not considered to result in an adverse impact on the appearance of the area.

The development is not considered to adversely impact the spatial pattern of the area and deemed to accord with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the type of development proposed, the change of use of the land is not considered to result in adverse impacts upon neighbouring amenity.

The outbuilding has a width of 4.7m with a depth of 6.2m. This has a height of 2.5m with a flat roof. Due to the shape the garden which narrows at the rear, there is between 0.3-1.35m retained to the boundary to north and 0.3m to the south. Whilst this is small, due to the siting, it is not considered to considered overbearing or overshadowing upon neighbouring amenity.

There are doors to the rear however with the development at single storey views are not considered

additional to that which is already achievable from standing in the rear garden.

There is between 1.3- 2.1m retained to the rear boundary however this is where the pergola will be located with a depth of a 1.5m which will meet with the rear fence line. The pergola will have a width of 4.9m. Again, due to its siting is not considered to result in adverse impacts.

The statement submitted with the documents states the outbuilding will be used by as an incidental unit to the dwelling.

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

USE OF OUTBUILDING

It has been alleged that the outbuilding is in use as a production workshop with 6 employees. Within the Design and Access Statement it says the use will be incidental to the main dwelling and a condition will be included to ensure this.

SUMMARY

The proposed development is deemed to accord with the relevant development plan 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

- Elevations - 1924.005
- Ground Floor Plan - 1924.001A
- Block Plan - 1924.011A
- Location and Site Plan - 1924.010A
- Pergola Elevations - 1924.006
- Section A-A- 1924.007
- Roof Plan - 1924.002
- Planning, Design and Access Statement - NJA/19/332 January 2020

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 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 17 Canal Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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.