

PLANNING APPLICATION REPORT

REF NO: R/163/23/PL

LOCATION: 43 Old Manor Road
Rustington
BN16 3QS

PROPOSAL: Erection of block of 5 garages. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a block of 5 No. garages within the rear of a residential plot. Access would be via a garage compound to the rear of this plot. It also includes a small section of hardstanding to the front of these garages.
SITE AREA	1370sqm.
TREES	1 No. medium/large sycamore tree within and on the southern boundary of 43 & 45 Old Manor Road.
BOUNDARY TREATMENT	Tall wooden boundary fence to the south boundary of 43 & 45 Old Manor Road that separates this plot from the garage compound to the rear. Approx. 1.9m tall painted stone wall to the east site boundary shared with No. 8 Manor Road (eastern neighbour). Approx. 1.8m tall wooden boundary fence to north boundary shared with 39 & 41 Old Manor Road.
SITE CHARACTERISTICS	The host site is a residential plot that features a 2 storey, semi-detached building that is characteristic of a traditional dwelling house but is in fact 2 No. flats split to the ground and first floors. This residential plot features a side driveway, front garden and large rear garden. Also within the red edge of the site is a garage compound to the south-east of the residential plot. This garage compound runs north to south, being accessed from Campbell Drive to the south and ending to the north up against the existing wooden boundary fence that serves the southern boundary of the aforementioned residential plot. This garage compound features three main blocks of garages: a block of 15 to the west of the compound, and two blocks of 5 and 9 garages on the east side of the compound, separated by a pedestrian access into Laburnum Way to the east. There is also one standalone garage to the north-west of the compound.
CHARACTER OF LOCALITY	The site is surrounded by residential development of mixed types. All are visually characteristic of traditional houses however, there is a mix of bungalows, flats, and two storey dwellings that are detached, semi-detached, or terraced. There is a clear mix of residential types within the locality. Also

of particular note, is the proximity of the Rustington Community Primary School to the West of Old Manor Road. A short distance north of the site along Old Manor Road is a pedestrian access point that links to the Primary School and as such, Old Manor Road and its adjoining residential streets are often utilised as 'pick-up points' by parents during the times pupils are leaving the school.

RELEVANT SITE HISTORY

R/255/22/PL Erection of Garage Block. This application is in CIL Zone 4 (zero rated) as other development. Refused
20-01-23

R/255/22/PL - This was a previously refused application for 7 No. garages in this location. This was a delegated refusal due to the number of garages, their siting, and subsequent vehicular activity, resulting in acceptable adverse impacts of residential amenity to both the host and adjoining properties.

OFFICER COMMENTS

This application has sought to address these concerns by reducing the number of garages to five, and removing the use of the existing driveway as a side access, and instead, removing a section of the southern boundary fence and a Sycamore tree, thereby allowing access to these garages from the existing garage compound to the south.

REPRESENTATIONS

Rustington Parish Council - Objection:

- Overbearing.
- Harm to the privacy, visual amenities, and quiet enjoyment of the neighbouring properties.
- The mass of the proposal would represent an over-development of the site.
- Contrary to Policy 2 of the Rustington Neighbourhood Development Plan as proposals should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to neighbouring properties.
- The number of garages is excessive and out of keeping for the locality.
- Questioning whether a business use may be proposed in the future.
- The applicant does not own the garage compound that has been included within the red edge.

13 No. objections from nearby occupiers.

- Noting that the applicant does not own the garage compound.
- Blocking of access to existing garages.
- The compound is in a state of disrepair.
- The number of garages is an overdevelopment.
- Garages would be rented out/used for commercial purposes.
- An accessway will be formed through the properties existing driveway.
- The original boundary hedge was removed and the existing fence along the South boundary of the host site is not in the correct position.
- The applicant has no legal right of way to access through the garage compound and that they would be trespassing.

- Congestion particularly during school opening and closing times.

COMMENTS ON REPRESENTATIONS RECEIVED:

All relevant planning matters have been addressed within the conclusions section to this report.

Upon receiving representations that the applicant does not own the garage compound included within the red edge of the plan, the ownership of this land was questioned with the agent, to which they identified that to their knowledge, this land had recently been acquired by the applicant. For clarity, the following matters that have been raised as concerns are not material planning considerations and therefore, cannot be considered as part of the determination of this application:

- Land ownership disputes.
- Rights of access.
- The disrepair of privately owned land.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

- Noting the internal sizes of the garages do not meet WSCC minimum standards for the storage of vehicles. Noting that whilst this may not be a reason to refuse the proposal, that this may hinder any intended vehicle storage use.
- Noting minimum garage forecourt depths should be 6m to provide adequate manoeuvring/turning space and a swept diagram would help identify if turning into the garages is possible.
- Parking pressures in this area are unknown and the Local Planning Authority should consider if larger garage spaces would help to absorb parking pressures.
- There is no loss of existing parking spaces as part of the proposal and so there is no Highway Safety concern.
- The garage compound to the south has been included within the red edge of the plan, thus assumed as being under the control of the applicant. Should this not be the case, the applicant is advised to contact the proprietor of this land, to gain formal consent for access via this route.

ADC Tree Officer - Verbal correspondence:

- From review of the imaging of the sycamore tree, it is multi-stemmed, out of context, and contributes little to local amenity. The tree is not subject to a TPO nor within a Conservation Area and we would not likely seek to create a TPO for its retention.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Use, transport, and parking considerations have been addressed within the conclusions section to this report.

POLICY CONTEXT

Within the Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

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

ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

All relevant policies within the Rustington Neighbourhood Development Plan have been considered.

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 complies with relevant Development Plan policies in that it is of a design and character that is reflective of the wider locality and does not result in any significantly adverse impacts of residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

Appeal reference: APP/C3810/W/23/3318764 was allowed with conditions following the refusal of LU/385/22/PL (Construction of 3 No. garages within an existing garage compound). The grounds for refusal was as follows:

- 'The proposed garages by reason of their excessive number, siting in close proximity to the host and

neighbouring residential properties and the significantly increased vehicular activity and disturbance will result in an unacceptable detrimental impact on the residential amenities of existing neighbouring residential occupiers in conflict with Policies D DM1 and QE SP1 of the Arun District Local Plan, the Arun Design Guide and the National Planning Policy Framework.

The inspector stated the following in relation to noise and disturbance:

- 'Aside from three steel 'up and over' garage doors, there would be no means of significant noise break out arising from parking or storage use in the garages. There is nothing definitive to suggest that opening or closing the garage doors would be excessively noisy; other than that noise would escape through an open door...'

- There is no evidence that opening or shutting car doors, starting car engines or manoeuvring cars in and out of the garages and across the courtyard would be anything more than infrequent or transient in nature (including during hours of darkness). Albeit a snapshot during the day, this is what I saw in the courtyard and others nearby so it would not be unusual or unexpected. A planning condition could prevent potentially more intensive or intrusive use of the garages for commercial purposes.

Given the similarity of this proposal to that of the above appeal decision, weight has been given to its determination, particularly in relation to noise and disturbance.

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key Development Plan policies relevant to this proposal are D SP1, D DM1, T SP1, ENV DM5 & QE SP1 of the Arun Local Plan (ALP), and Policy 2 of the Rustington Neighbourhood Development Plan (RNP).

Sections J & I of the Arun Design Guide (ADG) are also of relevance.

AMENDMENTS

Since the submission of the original plans with this application, it was identified that part of the existing southern boundary fence and a sycamore tree would need to be removed to facilitate the intended access from the garage compound. It was also identified that a small section of hardstanding would be necessary in front of the westernmost garages as it is currently lawn. It was requested that these be annotated on the plans for clarity as they are material to the proposal.

It was felt that an access way from Old Manor Road into the garage compound may also generate through traffic and nuisance of vehicles driving past the host properties and No. 47 Old Manor Road in close proximity. It was requested that a small section of fence would be erected to block this access and to ensure the existing parking arrangements be retained.

DESIGN AND VISUAL AMENITY

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. Section J.01 of the ADG states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality.

Policy 2 of the RNP requires proposals to reflect the architectural and historic character of the area in

terms of scale, density, massing, height, landscape design, layout, and materials.

The proposed 5 No. garage block is to be 2.6m in height, 5.3m in depth, and 13.16m in width. It is of a comparable scale to that of the garage block found to the eastern side of the existing garage compound closest to the accessway from Campbell Drive. The garages within the proposed block would have identical dimensions of 5m by 2.5m and feature 'up and over' steel garage doors. This block would also feature a flat roof design, brick exterior walls, and uPVC rainwater goods. In terms of character and design, the proposal is like the garages which can be found prolifically throughout the existing garage compound and as such, they would not appear out of character, nor be of a visual design that is unexpected or incongruous.

The proposed hardstanding is limited in scale and would be comparable to the hardstanding within the existing garage compound and within the current rear garden where the garages would be built. This would not harm the visual amenity or character of the area.

The proposal is of a scale, design, and character that are reflective of the wider locality. Whilst they may not serve to be a visual enhancement in accordance with Section J.01 of the ADG, the proposal remains in accordance with policies D SP1 & D DM1 of the ALP, Policy 2 of the RNP, and no harm to the visual amenity of the locality has been identified.

RESIDENTIAL AMENITY & USE

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity or the natural environment.

The siting of the proposed garages would occupy the rear of what is currently a residential garden serving Nos. 43 & 45 Old Manor Road. This would result in the loss of a significant portion of existing private rear amenity space. These two flats would, however, retain a rear garden depth of 16.5m with a rough width of 6.1m and covering approx. 100sqm. It is also worth noting these dwellings benefit from a small front garden amenity space. Section H of the ADG suggests dwellings feature a minimum rear garden depth of 10.5m and Section H.04 suggests communal shared gardens remain a minimum of 40sqm with an additional 10sqm for each unit using the garden. The rear amenity space would remain adequate in size and is greater in area than many smaller rear amenity spaces found within the area.

The use of the garages has been identified as 'storage use'. Given the dominant residential use within the locality and the proximity of the garages to existing residential properties, the use of these garages for commercial purposes is not acceptable as it would likely give rise to unacceptable noise and nuisance impacts of the residential amenities of neighbours. As such, a condition has been applied restricting the use of the garages in relation to domestic use and not for the parking or storage of commercial vehicles, goods or items or be used for any other commercial purpose.

Owing to the scale and siting of the proposal, there would be some adverse impact by way of overbearing and overshadowing of the host and neighbouring residential properties. The rear amenity spaces of Nos. 39 & 41 Old Manor Road (to the north), and No. 8 Manor Road (to the east) whose boundaries the proposal would abut, are of particular consideration. Given the extent of the rear amenity space to the north, and the limited height of the garage block, it is accepted that there would be some adverse impact of overbearing on this amenity space, but not such that it would be significantly adverse.

The eastern most garage would run along the side boundary of No. 8 Manor Road at a height of 2.6m, cresting the existing shared eastern boundary wall by approx. 0.7m. This garage would overlap with

4.3m of No.8's rear garden depth (approx. 55% of its 7.7m deep rear garden). However, the height of the garage is not such that it would give rise to additional significant harm by way of overbearing or overshadowing on this property.

The use of these garages is to be controlled in such a way that prevents an over intensification of their use as commercial storage units and to isolate their use for storing items, goods, or vehicles which are domestic in nature. The existing garages are connected to the residential dwellings within the vicinity, and the nuisance generated within the compound is characterised by the infrequent opening and closing of the garage doors and the starting of car engines. The addition of these five garages would not result in any significantly harmful additional noise nuisance for nearby residential dwellings.

Owing to the nature of the development, there would be no adverse impacts by way of overlooking or loss of privacy.

With respects to neighbouring amenity impacts, the proposal is compliant with policies D DM1 & QE SP1 of the ALP.

One of the principles setting the context for Policy 2 of the RNP states that 'Development should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to existing neighbouring properties as well as seek to lessen its impact on the surrounding area'. In this instance, the impacts on neighbouring properties have been concluded as acceptable.

TRANSPORT & PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

The proposed use of the garages is for storage purposes. This is to be controlled in such a way that prevents their use as commercial storage or use and isolates it to domestic storage. This does not prevent the storage of domestic vehicles but also does not limit their use for the storage of the same. It is acknowledged that the internal dimensions of the garages are below the minimum set out in Section I of the Arun Design Guide to be used for the storage of cars. However, these are standards and do not necessarily consider the storage of smaller motor vehicles/cars however, it is noted that these garages would be less likely to facilitate the storage of cars given their internal dimensions. The existing parking arrangements at the host site would be retained and so there is no loss of parking. Non-compliance with the standards set out for the storage of cars when the garages are not specifically required to store vehicles, is not a reason for refusal.

It is noted that the 4 No. easternmost garages would benefit from forecourts deeper than 6m to allow for manoeuvring in front of the garages, although the westernmost garage would not benefit from a full 6m forecourt owing to the garage to the south overlapping with its forecourt slightly, though additional manoeuvring in this location is not a safety concern as it is a low speed and lightly trafficked area.

It is appreciated that the garage compound will likely see an increase of parked vehicles during the opening and closing hours of the Primary School to the west. However, this is only during certain times of day during term time and the addition of these garages is not likely to result in any significant increase of regular traffic and that they do not otherwise occupy the space of any of the existing garage compound. It is also to note that there are no parking restrictions along Campbell Drive, Manor Road, or most of Old Manor Road, and that the main entrance to the Primary School is to the west along North Lane.

The existing access into the garage compound would be retained and there is no Highway Safety concern associated with the proposal. The proposal is in accordance with Policy T SP1 of the ALP and

Para 111 of the NPPF. Thus, there are no transport or highways grounds to refuse the proposal.

BIODIVERSITY NET GAIN & TREES

ALP policy ENV DM5 requires all development proposals to achieve a net gain of biodiversity and to preserve protected species where identified on site.

There is 1 No. Sycamore Tree along the southern boundary of the host dwellings and south of the proposed garages. This tree is proposed to be removed as part of the works to provide better access to the garages. This tree is multi-stemmed, out of context, and contributes little to local amenity. It is not subject to a TPO nor within a Conservation Area and its removal is acceptable. This would however, result in a net loss of biodiversity and as such, require compensatory biodiversity enhancements to ensure a net gain is achieved. To ensure this, a condition has been attached to this decision requiring the applicant to submit details prior to the commencement of the development demonstrating how they will achieve a Biodiversity Net Gain on site.

Subject to the discharge of this condition, the proposal is compliant with Policy ENV DM5 of the ALP.

SUMMARY

The proposal is compliant with relevant Development Plan policies and as such, it 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.

CIL DETAILS

This application is not CIL liable.

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 Plan 22/65/1 (Accepted: 18/10/23).
- Plan and Elevation 22/65/2.
- Location Plan 22/65/3.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be used for the storage of domestic vehicles, domestic goods, and/or other items that are related to the use of a residential dwelling, and shall at no times be used for the storage of any commercial vehicles, goods or items or for any other commercial purpose, including any other purpose within B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order).

Reason: In order to protect the residential amenities of nearby residents in accordance with policy QE SP1 of the Arun Local Plan.

4 Prior to the first use of the garages hereby approved, details demonstrating how the applicant/developer will ensure a Net Gain of Biodiversity will be achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details will then be implemented within three months of the approval of the details and retained thereafter.

Reason: To ensure a Net Gain of Biodiversity is achieved in accordance with Policy ENV DM5 of the Arun Local Plan.

5 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

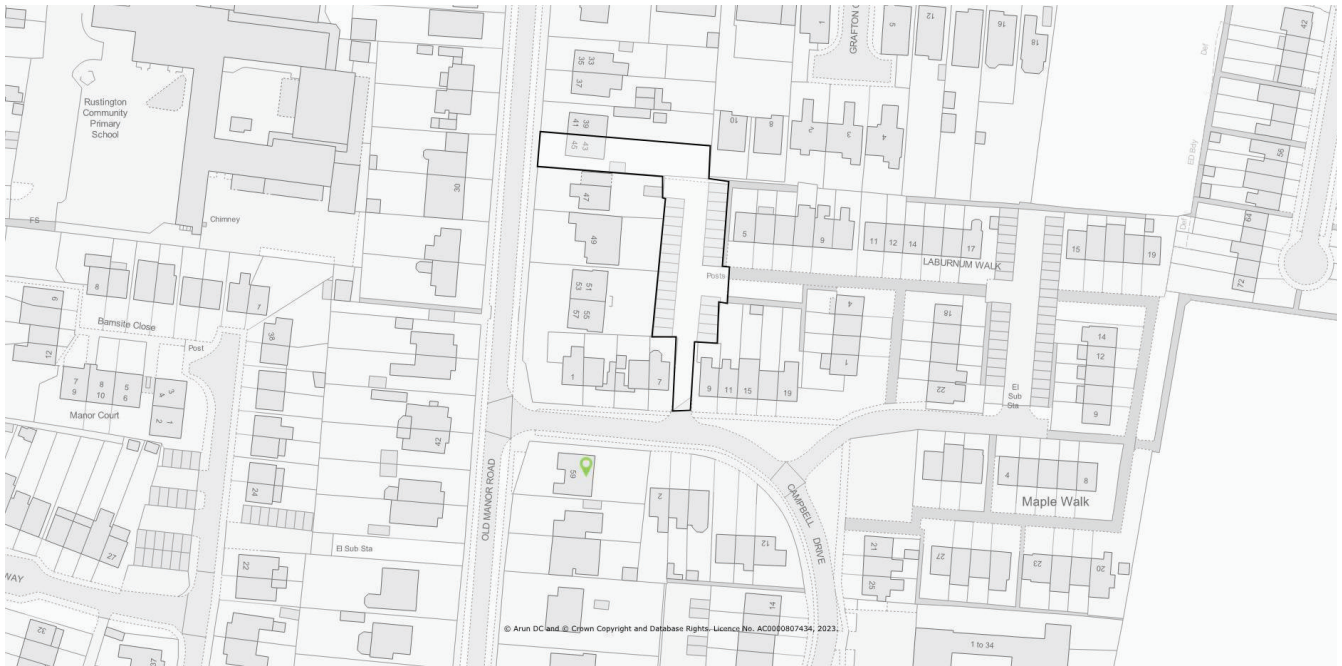
BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going](#)

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to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

R/163/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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