

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

REF NO: AB/109/18/HH

LOCATION: 61 Maltravers Street
Arundel
BN18 9BQ

PROPOSAL: Proposed annex and car port located within the stable yard. This application may affect the character and appearance of Arundel Conservation Area. This application affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The 'stable yard' site is part of the garden area of a listed terraced building at 61 Maltravers Street currently used for the garaging and parking of vehicles. It is located 5 metres beneath the garden level beneath a retaining wall and has level access to Tarrant Street via an undercroft under residential flats at no. 50 Tarrant Street.

A red tile roofed garage and a flat roof steel roof structure remain with the rest of the area being concrete surfaced outdoor yard.

The adjacent neighbouring properties on Tarrant Street whose rear elevation face the stable yard and retaining wall properties in this area only have with a yard area for outdoor amenity space rather than a full garden associated with them.

The proposal is to;

- 1) demolish the existing garage, half of which has a flat roof (derelict) and half of which has a pitched red tiled roof.
- 2) construct a flat roofed car port with a green roof.
- 3) attached to 2) construct a zinc roofed annexe building containing a covered passageway and stairway, multi use 'studio' (shown as a living room), store room and a car port ancillary to the main dwellinghouse.
- 4) renovate the flint and lime retaining wall which forms the rear wall of the annexe and rises above it.
- 5) timber clad the eastern boundary breeze block wall of the stables yard.
- 6) replace the concrete surfaced parking area with a coarse sand/gravel surface and brick edging.
- 7) replace the vehicular access gate from Tarrant Street with an electronic gate.

RESIDENTIAL DEVELOPMENT N/A
DENSITY (NET)

RELEVANT SITE HISTORY

AB/110/18/L	Application for Listed Building Consent for annex and car port located within the stable yard. This application may affect the character and appearance of Arundel Conservation Area	
PAA/108/18/	Proposed gym/studio space in the rear yard	
AB/73/15/L	Application for Listed Building Consent for new rear door to the kitchen in the same position as the recently approved window	ApproveConditionally 06-07-15
AB/42/97	Reconstruction of garaging with storage over	ApproveConditionally 10-09-97
AB/75/96	New garage roofing & doors	Refused 13-02-97
CON/AB/9/91	The construction of a flat roofed garage	Appeal: Dismissed 12-04-96
AB/64/90	Reconstruction of garaging with storage over	ApproveConditionally 13-12-90

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council
No objection.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No objection subject to conditions

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

LB GRADE II

CLASS C ROAD

CONS AREA

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Arundel Neighbourhood Plan 2014 POLICY1:](#) The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 2: A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

ADS	The Arundel Design Statement by Arundel Town Council
SPD2	Conservation Areas

CONCLUSIONS

PRINCIPLE

The application site is situated within the built up area of Arundel as defined by SD SP2 of the Arun Local Plan (2011-2031) and Policy 1 of the Arundel Neighbourhood Plan. The proposal is considered to be sustainable development in accordance with Policy SD SP1 of the Arun Local Plan and Policy 2 of the Arundel Neighbourhood Plan. The proposal is considered to be acceptable in principle subject to relevant detailed policies within The Local Development Plan (The Arun Local Plan, Arundel Neighbourhood Plan and the Arundel Design Statement) which in this case are considered to be D DM1, D DM4, HER DM1, HER DM3 and ENV DM5 of the Arun Local Plan and the Arundel Design Statement.

Furthermore, paragraph 118 (d) of the NPPF states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

The proposed development is considered acceptable in principle.

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM4 the Council requires when considering applications for extensions and alterations to existing buildings that;

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- c. the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition.

Developments shall also be consistent with all other Local Plan Policies.

The Arundel Design Statement sets out planning guidelines for alterations and conversion of buildings within the Conservation Area which seek to retain the structure and appearance of the original historic buildings, use high quality design, materials and detailing as well as protecting the wider appearance of the Conservation Area.

The key points regarding the proposed garage and annexe conversion are;

The proposal replicates the scale of the existing garage and former outbuildings on the site and would be of a high quality design, materials and detailing using a green roof, a zinc roof, large glazed panels and 'barn style' doors.

It would be set within the hillside behind the frontage of properties on Tarrant Street such that the proposal would not impact on the appearance of the host dwelling 61 Tarrant Street and would not have any impact on the street scene or wider Conservation Area.

The proposed alteration and extension of the garage and works to the parking surface will significantly improve the appearance of the current dilapidated garage buildings and concrete flooring as well as renovating the run down retaining wall to the garden of 61 Maltravers Street.

Having regard to the overall design of the proposed alterations and extensions would not have a detrimental impact on the host dwelling house, neighbouring properties and the wider area and is therefore the proposal is therefore considered to comply with policies D SP1, D DM1 and D DM4 of the Arun Local Plan and the Arundel Design Statement.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

It is not considered that there will be any harm associated with the proposed use of the building for garaging, parking and other uses ancillary to the main dwelling including a gym and studio/office. The only potentially affected neighbouring properties would be the flats at 48-52 Tarrant Street which only have windows at first and second floor overlooking the site.

The flats immediately to the rear of the proposal on Tarrant Street would have first and second floor windows which would overlook the proposals main full length windows of the living room described for use as a studio/office which would be at a separation distance of 14 metres however the applicant's are aware of this relationship and the proposed building does not appear to be proposed for primary habitable use and does not include bedrooms, kitchens and dining rooms etc. such that significant loss of privacy would not result.

The privacy of the flats on Tarrant Street would not be significantly affected due to the separation distance and their elevation above the ground floor proposal. There would not be a significant loss of light or overbearing impact caused on the only facing windows from the flats in Tarrant Street which are at first and second floor level.

In summary the proposal would not have any significant impacts on the proposed ancillary building any other neighbouring residential properties in terms of privacy, overbearing impact or loss of light and therefore the proposal is considered to be acceptable and to comply with policy D DM1, D DM4 and QE SP1 of the Arun Local Plan

HIGHWAYS & PARKING:

Arun Local Plan policy T SP1 to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design

Guide taking into consideration the impact of development upon on-street parking"

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The proposal would utilise the existing access to the highway and retain room for parking a minimum of 4 cars which is in excess of the provision required within the West Sussex County Council Car Parking Demand Calculator.

It is therefore considered that the proposal complies with Arun Local Plan policy T SP1.

LISTED BUILDINGS AND CONSERVATION AREAS

Policy HER DM1 seeks to reserve and enhance the historic protect and where possible enhance the setting of a listed building

- a. Preserve or enhance the historic character, qualities and special interest of the buildings;
 - b. Be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior;
 - c. Protect the architectural and historical integrity and detailing of a Listed Building's interior;
 - d. Protect the special interest of buildings of architectural or historic interest; and
 - e. Protect, and where possible enhance the setting of the building
- furthermore the policy adds that 'The Local Planning Authority will support proposals for alternative uses for Listed Buildings which retain their structure and preserve character and setting where the change will provide for the long term conservation of the structure and fabric of the building.'

Policy HER DM3 seeks to preserve and enhance the character or appearance of the Conservation Area.

The Council's Conservation Officer considers that the proposal is an acceptable design which supports the preservation and enhancement of the listed building and the wider Conservation Area. The use of the new building is considered an appropriate alternative use which would enhance the long term conservation of the building.

The materials proposed preserve and enhance the historical integrity of the outbuilding subject to a number of conditions seeking clarification of the details of the scheme within the associated Listed Building application.

The proposal is therefore considered to comply with policy HER DM 1, HER DM3 and HER SP1 of the Arun Local Plan and the Arundel Design Statement.

BIODIVERSITY

Policy ENV DM5 Development and Biodiversity seeks to achieve a net gain in biodiversity and protect existing habitats on site and should include bird and bat boxes to minimise adverse impacts on existing habitats. Where there is evidence of a protected species a detailed survey and measures to avoid loss of species shall be incorporated into the development scheme.

There is no indication that protected species exist on the site however the inclusion of a green roof over the garage is considered to achieve a net gain in biodiversity at the site and as such the proposal is considered to comply with policy ENV DM5 of the Arun Local Plan

SUMMARY:

The proposed alterations and extension to the garage and car parking area are considered to comply with policies within the ALP, Arundel Neighbourhood Plan and the Arundel Design Statement and its status as a Listed Building within the Arundel Conservation Area and therefore approval of this application is recommended 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 development hereby approved shall be carried out in accordance with the following approved plans;

Proposed Sections dwg.no. 17104/01 dated July 2017.

Proposed Block Plan dwg.no. 17104/3 dated July 2017.

Proposed Plans and Visualisations 17104/02 dated July 2017.

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 No development above damp proof course (DPC) level shall take place unless and until;

- 1) Details of the course sand/gravel, and the retaining bricks for the hardstanding/turning area
- 2) Details of the cladding for the courtyard wall, its colour and how the remainder of the wall is to be treated
- 3) Details of the replacement section of the retaining wall, including the new gate to be inserted
- 4) Details of the new electric gate to be installed at the entrance off Tarrant Street
- 5) Details of the reveals of the glazing in the fenestration of the studio annexe and details of the barn style doors

have been submitted and approved by the Local Planning Authority. The details approved shall be used in the construction of the landscaping and built structures approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and HER DM1 of the Arun Local Plan and the NPPF.

- 4 The outbuilding including gym, studio and car ports hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 61 Maltravers Street as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy 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.

- 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 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.