

REPORT UPDATE

Application No: AB/109/20/HH

Reason for the Update / Changes

Reason for Update:

The Conservation Officer has provided an additional consultation response, with relation to the substitute plans.

Condition number 3 to add details of windows.

Officers Comment:

The consultation response provided by the Conservation Officer supports the recommendation to approve the application. He supports the decision to apply conditions relating to materials and planting.

Addition of windows to materials condition 3 will allow appropriate choice of materials to be made.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

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

REF NO: AB/109/20/HH

LOCATION: White Cottage
32 King Street
Arundel
BN18 9BW

PROPOSAL: Rear single storey extension for new kitchen and living area, internal alterations, new and adjusted windows and doors, part replacement roof structure with 2 x conservation roof lights to the main building, re-covering of main roof and partial re-build of the detached garage with replacement pitched roof. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is to construct a single storey rear extension, internal alterations and alterations to the fenestration. Furthermore, the part-replacement of the roof structure with 2No. conservation rooflights, re-covering of the main roof and the partial re-build of the detached garage with replacement pitched roof. This will be enabled following the demolition of the existing rear additions following approval of AB/43/20/PL.

The partial rebuild of the garage relates to the reroofing and three of the walls of the existing garage removed and

replaced. This does not result in any change in the appearance of the garage in that the scale will remain the same, the nature of these works are predominantly reparative.

During the process of the application, the plans have been amended to alter the built form of the proposed rear extension. The rear extension has been moved further away from the boundary with the neighbour to the north. This is considered to have a positive impact upon the proposed development, in that the element that has been stepped in was the higher element of the proposal. It also allows for the hedging on this boundary to be retained.

RELEVANT SITE HISTORY

AB/43/20/PL	Demolition of rear extension. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.	ApproveConditionally 14-07-20
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REPRESENTATIONS

Arundel Town Council - No objection.

7 letters of objection:

- There is harm to the Listed Building of 36 King Street.
- The proposal is of a poor design.
- The proposal will harmfully affect the character of the Conservation Area and the setting of nearby Listed Buildings.
- The loss of the hedge will cause nuisance, visual harm, a loss of amenity and biodiversity.
- The 10m long flank wall will relate in a loss of sunlight and daylight to 36 King Street.
- The development may cause disturbance to the subsoil of the application site.
- The development would be contrary to the Party Wall Act 1996.
- The submitted Biodiversity report is totally inadequate.

Agent Supporting Document:

- The proposed extension extends from the rear of the property in a same way to the previous floor plan.
- Whilst the proposal is along the boundary line, it is 3m shorter than the existing development.
- The design of the proposal allows for an improved living environment, whilst benefitting the appearance and function of the house as a whole.
- The roof of the proposal is 0.5m lower than the extension which previously existed.

1 letter of no objection from neighbour to the north following sub-plans:

- There has been constructive dialogue with the applicant and confirms agreement with the revised plans, subject to certain conditions.
- These include protection of elements of the hedgerow, a ground worker specialist to be employed during the construction works, the submission of a drainage survey and the use of certain materials for the proposal.

OFFICERS COMMENTS ON REPRESENTATIONS:

Comments noted. The representations raised will be addressed in the conclusion section. In response a pre commencement planning condition (number 5) is proposed to protect the beech hedgerow. The applicants agent has provided written agreement to impose such a condition. A condition is in place designed to control the materials to be used. However, conditions requesting a ground worker to be employed to check the foundations of the extension during construction works and that a detailed water and land drainage survey be carried out are not considered to be within the remit of control for this application.

Disturbance to subsoil and consideration of the Party Wall Act and hedgerow regulations are not planning considerations.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The Council's Conservation Officer - No objection.

- The proposed development is considered to cause less than substantial harm to the character of the Conservation Area of the setting of the neighbouring listed building.
- The removal of the clay hanging tiles would be unacceptable, details of all materials should be required via condition.
- The use of UPVC windows is unfortunate.
- The works to the roof will receive support.
- The proposal result in the removal of the hedge, details of an alternate means of enclosure along the Northern boundary will be requested via condition.

POLICY CONTEXT

Designation applicable to site:
Within 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)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of a Listed Building.

Policy AR1 of the Arundel Neighbourhood Plan defines the Built Up Area Boundary of Arundel, as shown on the Policies Map, for the purpose of applying policies SD SP2 and C SP1 of the Arun Local Plan.

SITE HISTORY

The application follows application AB/43/20/PL, which granted permission to demolish the existing rear projection from the host dwelling. This extension measured 11m long, 7m wide and 4m high at a distance of approximately 2.5m from the Northern site boundary.

This differs from the extension proposed under this application, in that the proposal is 10m long, 8m wide and approximately 3.8m high (when taken at its most extreme points).

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The site is located within the Arundel Conservation Area. The proposed extension has been designed in a way which satisfactorily responds to the physical characteristics of the site and the surrounding area.

The proposed single storey rear extension projects from the Eastern elevation of the host dwelling by approximately 9m. Due to this siting at the rear of the site this extension will not be visible from the street scene of King Street. As a result of the topography of the application site, sloping down from north to south excavation has had to be carried out in order to level the land upon which to build the extension. The proposed rear extension itself is considered to appear subservient to the host dwelling, and well integrated with its built form. This is due to the use of materials to match the host dwelling. Furthermore, the eaves and ridge heights of the extension are subordinate in appearance to the host dwelling in terms of their location and height.

The works to the roof are considered to have visual merit to the host dwelling, and this element of the proposal enjoys support from the Council's Conservation Officer. The same can be said with relation to the proposed works to the garage, as it is also considered to have visual merit, and remain subservient to the host dwelling. With relation to other details relating to the use of appropriate and sympathetic materials, including the removal of the hung tiles these will be secured by way of condition.

The proposed development is considered to accord with D DM1 and D DM4 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is considered to result in less than substantial harm to the setting of neighbouring Grade II Listed Buildings or the character of the Conservation Area.

CONSERVATION AREA

The relevant Local Plan policy for assessment of the impact on the setting of the Conservation Area is policy HER DM3 which states that in order to preserve and enhance the character and appearance of the Conservation Area planning permission will normally be granted for proposals within or affecting the setting of a conservation Area provided that (b) alterations or additions to existing buildings are sensitively, constructed of appropriate materials and are sympathetic in scale, form and detailing, (e) it retains historically significant boundaries and elements of the area's established pattern of development, character and historic value and (f) that proposals do not harm important views into, or out of or within the Conservation Area.

Policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance and development that is likely to prejudice their setting should be refused.

Arundel Conservation Area is principally formed of the historic core of buildings in the town centre. Predominant materials include flint and brick, render and slate roofing with some clay tiles also present. Properties front directly onto the pavement and a number are small in scale. The property itself is an attractive element of the street being a mixture of painted brick and tile hanging walls. It has casement windows and fronts directly onto the road. It is of aesthetic significance within the Conservation Area.

The proposed extension is substantial and will occupy a large floor area, but it has a low form and in part replaces an earlier extension. This part of the proposal would not be readily visible in the street scene, being largely screened from view from the site frontage by the existing 2 storey property. The removal of the tile hanging from the front and rear elevations will be controlled by condition. The proposal seeks to replace the modern Marley machine made concrete hanging tiles. These cover the front and rear sections of the house. However historically, tile hanging on this particular property forms part of the established appearance and therefore character of the building. Its loss would detract from the building, especially the front and street elevation and this part of the proposal will be controlled by condition.

The works to the roof which will see the replacement of the existing tiles with something more appropriate for a conservation area is a positive feature of the application, and is supported. Conservation grade roof lights have been proposed for the extension at the rear of the property and for the southern aspect of the roof on the two storey section of the house. Although roof lights are primarily positioned at the back of properties within the conservation area of Arundel there are few examples where they have been positioned to be visible from the road.

Subject to the imposition of appropriate conditions the replacement extension and alterations are considered to be sensitively designed and constructed of appropriate materials and sympathetic in scale,

form and detailing, and are suitably located to retain historically significant boundaries and elements of the area's established pattern of development, character and historic value and do not harm important views into, or out of or within the Conservation Area in accordance with policies HER SP1 and HER DM3 of Arun Local Plan.

In accordance with paragraph 189 of the NPPF, a Heritage Statement has been prepared which assesses the impact the development on the Conservation Area.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed extension and alterations could have on the appreciation of the significance of the locally listed buildings and their settings and the setting of the Conservation Area. As discussed above the proposal would not detract from the appearance of the area.

In accordance with para.190 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise, the Conservation officer has been consulted and he has commented that the proposal is acceptable in terms of its position and appearance subject to a condition controlling the materials.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

LISTED BUILDINGS

Whilst the site is not a statutory Listed Building a number of Listed Buildings are situated within its immediate vicinity and there would be an impact on their setting resulting from the development proposed.

The relevant Local Plan policy for assessment of the impact on the setting of adjacent Listed Buildings is policy HER DM1 which states that proposals affecting statutory Listed Buildings will be required to (e) protect and where possible enhance the setting of the building.

There are a number of Listed Buildings in close proximity to the site, including 24-30 (even numbers) and 36 King Street. King Street consists predominantly of a series of terraced houses which were developed from the early C19.

The revised scheme is in keeping with the character of the adjacent Listed Building and does not dominate the sky line or appear as an overbearing addition to their settings. The highest proposed roof line will be 0.5 meters lower height than previously existed and the proposal involves excavating and levelling the site to ensure that the single storey extension will sit lower than the current ground levels allow.

The extension has been designed so as not to sit directly on the boundary line and has allowed for enough space for planting suitable to cover the new brick wall which will further reduce the impact on the setting of adjacent listed buildings. The neighbouring listed buildings are predominantly appreciated from their frontages, forming part of an attractive terrace with other terraces in the road. This view will be unaffected by the proposal.

It would enhance the setting of adjacent listed buildings by improving the visual appearance of the area, introducing a single storey extension of traditional design allowing better visual appreciation of neighbouring listed buildings. The proposal would therefore accord with policy HER DM1(e) in that it would enhance the setting of nearby listed buildings.

The application is therefore considered acceptable in terms of its impact on the setting of the adjacent and neighbouring heritage assets identified above and is considered compliant with policies HER SP1 and HER DM1 of the Arun Local Plan .

Other Material Planning Considerations

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

National Planning Policy Framework (NPPF)

The NPPF requires Local Planning Authorities to identify and assess significance of a Heritage Asset that may be affected by proposals (paragraph 190). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.

In accordance with paragraph 189 of the NPPF a Heritage Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assesses how this may be affect the proposed development.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight In accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness

CONCLUSIONS IN RESPECT OF PLANNING BALANCE IN RELATION TO HERITAGE ASSETS

Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm. In accordance with paragraph 196 of the NPPF this harm needs to be weighed against the public benefits of the proposal.

It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Creating construction jobs.
- Securing the optimum use for a dwelling within a Conservation Area.

It is considered that these benefits sufficiently outweigh the harm caused and the proposal is therefore compliant with the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings.

The proposed development has an eaves height of 2.4m from within the development site, however, as the application site to the North is higher, this eaves height is 1.9m when viewed from the ground level of the neighbouring site. This eaves line runs along for approximately 5m along the Northern boundary of the site, before stepping in for the remaining 3.2m.

The proposed extension then slopes up to a maximum height of 3.5m when 3m from this Northern boundary. There will be views of the roof of the proposed extension from the rear garden of the neighbouring dwelling to the north. However, the impact will be acceptable for the following reasons.

A condition is recommended that details are submitted and agreed with the Council in connection with new screening to the northern boundary to address the fact that the existing screening is proposed to be removed to allow the extension to be built.

In addition the design of the extension is such that the roof will, at eaves point slope away from the neighbour to the north. Views into the neighbouring property to the north will not alter to what they are now from this single storey extension.

The development is therefore not considered to be unneighbourly nor result in any loss of privacy of neighbouring dwellings in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

CONCLUSION

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

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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 & Block Plan - 21/01/2021 - Rev. B
- Proposed Ground Floor Plan - 20/01/2021 - Rev. D
- Proposed First Floor Plan - 21/01/2021 - Rev. D
- Proposed Elevations - South & West - 21/01/2021 - Rev. D
- Proposed Elevations - North & East - 21/01/2021 - Rev. D

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 and does not purport to grant permission for the materials which are conditioned separately.

- 3 Notwithstanding the material details provided on the approved elevation plans no development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls, roofs, windows and all fenestration of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until details have been submitted to and approved by the Local Planning Authority of means of enclosure and potential shrub planting along the boundary between the host dwelling and the neighbouring dwelling to the North. The extensions shall not be occupied until such boundary treatment has been installed/planted in line with the approved details and retained as such in perpetuity.

Reason: In the interests of the of amenity and heritage protection of the development, in accordance with Arun Local Plan policies D DM1 and HER DM1.

- 5 Prior to commencement of the development, details of the retention of the beech hedgerow on the northern boundary wall should be submitted to, and agreed by the Local Planning Authority in writing. The measures should remain in place for the duration of the construction of the proposal and adhered to thereafter.

Reason: In the interests of the of visual and residential amenities of the host dwelling and those in the locality, in accordance with Arun Local Plan policies D DM1 and HER DM1.

- 6 **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.