

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions  
Under a Previously Approved Permission**

**REF NO:** AB/10/26/S73

**LOCATION:** Howth House  
33 Tarrant Street  
Arundel  
BN18 9DG

**PROPOSAL:** Variation of condition 2 imposed under AB/79/25/HH in relation to approved plans.

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| <b>SITE AND SURROUNDINGS</b> |
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|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | This application seeks the variation of condition 2 which was imposed under AB/79/25/HH. Condition 2 related to the approved plans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SITE CHARACTERISTICS       | <p>Howth House is a late C18, terraced house. The front (northern) elevation is red brick, whilst the eastern elevation is nodular flint with red brick dressings. Brick modillion eaves cornice and a hipped tile roof. Four storeys including basement level.</p> <p>The ground floor has canted bay with three double-hung sash windows, and cornice over, and one six-panelled door in moulded frame with pediment supported by consoles and elaborate mid-C19 knocker. Wooden beam flush with brickwork above all of the ground floor openings suggest that they might be later insertions, as does a double-hung sash cellar window very deeply recessed under the canted bay. Two flush-framed double-hung sash windows with glazing bars on first and second floors on the front elevation make a positive contribution towards the appearance of the building.</p> <p>The building is considered to derive its significance from its architectural and historic interest.</p> |
| CHARACTER OF LOCALITY      | The property is also located within the Arundel Conservation Area. One of the principal attractions of Arundel is its wealth of buildings representing architectural form and style through progressive periods, which form a cohesive and contained hillside town. Tarrant Street in particular is an attractive street which is carved into the hill side. It contains a mixture of retail and residential uses. All of the properties front directly onto the pavement/road, and are faced with a mixture of render, brick and flint. The presence of one pavement along this section of the road, along with varied and mixed elevations to the properties is features which enhance the character of the road.                                                                                                                                                                                                                                                                    |

## RELEVANT SITE HISTORY

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AB/79/25/HH | Construction of new single storey side/rear extension at lower ground floor level. Erection of glazed canopy over existing patio area to rear of property. Replacement of existing rear garden fence with new brickwork wall. Construction of new brick outbuilding. Replacement of all existing windows with new timber windows with slim heritage double glazing. (This application may affect the character and appearance of the Arundel Conservation Area). | ApproveConditionally<br>12-08-25 |
| AB/80/25/L  | Listed building consent for construction of new single storey side/rear extension at lower ground floor level. Erection of glazed canopy over existing patio area to rear of property. Replacement of existing rear garden fence with new brickwork wall. Construction of new brick outbuilding. Replacement of all existing windows with new timber windows with slim heritage double glazing.                                                                  | ApproveConditionally<br>12-08-25 |

Planning history noted.

## REPRESENTATIONS

Arundel Town Council - No response received.

Arun Conservation Area Advisory Panel - No objection.

No representations were received from nearby occupiers.

### COMMENTS ON REPRESENTATIONS RECEIVED:

None.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

#### CONSERVATION OFFICER

I note that the amendment relates to the proposed outbuilding. The position of the outbuilding has changed along with its proposed dimensions. I also note that the location of the proposed garden gate has also moved. Overall, the amendments are acceptable.

### COMMENTS ON CONSULTATION RESPONSES:

Noted.

**POLICY CONTEXT**

Within an area with potentially high groundwater levels.

Arundel Conservation Area.

Grade II Listed Building.

Town Centre Retail Boundary.

**DEVELOPMENT PLAN POLICIES**[Arun Local Plan 2011 - 2031:](#)

|        |                                                              |
|--------|--------------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                     |
| DDM4   | D DM4 Extensions and alter to exist builds (res and non-res) |
| HERSP1 | HER SP1 The Historic Environment                             |
| HERDM1 | HER DM1 Listed Buildings                                     |
| HERDM3 | HER DM3 Conservation Areas                                   |

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPG | National Planning Practice Guidance |
| NPPF | National Planning Policy Framework  |

**SUPPLEMENTARY POLICY GUIDANCE:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD13 | Arun District Design Guide (SPD) January 2021 |
| SPD2  | Conservation Areas                            |

**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.

**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."

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE**

Application reference AB/79/25/HH was approved on the 12 August 2025 and granted permission for the construction of new single storey side/rear extension at lower ground floor level. Erection of glazed canopy over existing patio area to rear of property. Replacement of existing rear garden fence with new brickwork wall. Construction of new brick outbuilding. Replacement of all existing windows with new timber windows with slim heritage double glazing.

This application seeks to amend the approved plan numbers condition (Condition 2), attached to the original permission, in order to make alterations to the siting and footprint of the outbuilding and the location of the gate.

##### **DESIGN AND VISUAL AMENITY**

The proposal seeks to change the orientation and dimensions of the proposed outbuilding and to reposition the gate. The outbuilding would measure 2m deep and 3m wide, with a hipped roof with maximum height of 3.2m. The previously approved outbuilding measured 2.2m by 2.4m, with a gable pitched roof with a maximum height of 3.4m. This application also removes the window from the west (side) elevation, and introduces a rooflight within the north (front) elevation. The amendments are in keeping with the character of the host dwelling and are acceptable.

The garden gate would be repositioned to the north west corner of the garden. This amendment will not impact the character of the host dwelling and is acceptable.

The proposed alterations would be small in scale and would not result in harm to the character or appearance of the host dwelling, street scene or wider area. The proposed development is therefore in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4 and the Arun Design Guide (ADG).

##### **RESIDENTIAL AMENITY**

The proposal would remove the previously approved window from the west (side) elevation and introduce a rooflight to the north (front) elevation. The rooflight would be positioned towards the rear of the host dwelling and would not introduce harmful overlooking.

The outbuilding would be situated the same distance from the south (rear) boundary as previously approved, and would be sited 1m further from the east (side) boundary than the previously approved plans.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in that it would not result in adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

##### **HERITAGE**

The site is located within the Arundel Conservation Area and is a Grade II Listed Building.

The proposed amendments are not significantly different to those originally approved. The Conservation Officer has been consulted on the proposed amendments and has confirmed that the revision are acceptable. Therefore, the proposed amended plans and elevations would not result in harm to setting of the Listed Building or the Conservation Area.

The proposal would not result in harm to the Area of Character or the Grade II Listed Building and is in accordance with Arun Local Plan policies HER DM1 and HER DM3.

#### **SUMMARY**

The proposed development is in accordance with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

#### **OTHER MATTERS**

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.

#### **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**

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 on or before 12 August 2028, this being 3 years from the date of the original planning permission granted under application reference AB/79/25/HH.

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 Window Detail 1 010.
- Proposed Window Detail 2 011.
- Proposed Window Detail 3 012.
- Proposed Window Detail 4 013.
- Proposed Window Detail 5 014.
- Proposed Window Detail 6 015.
- Proposed Window Detail 7 016.
- Proposed Window Detail 8 017.
- Proposed Window Detail 9 018.
- Location and Block Plans 04.
- Proposed Site Plan and Outbuilding Plans (230048/ 05 Rev B).
- Proposed Lower Ground Floor and Ground Floor Plans 06.
- Proposed First Floor, Second Floor and Roof Plans 07.
- Proposed Elevations 08.
- Biodiversity Enhancement Statement (received - 18.06.25).
- Design, Access and Heritage Statement (received - 20.06.25).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, HER DM1, HER DM3 and ENV DM5.

- 3 The outbuilding hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of "Howth House, 33 Tarrant Street" as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with Arun Local Plan policy D DM1 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 No development above damp-proof course (DPC) level shall take place unless and until a sample panel of brickwork, measuring 1 square metre, has been constructed on the site. The panel shall be subject to inspection by the Local Planning Authority's Conservation Officer. Photographic evidence of the panel, including details of the brick type, bond pattern, and mortar mix, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To preserve the appearance and special character of the buildings for the future in accordance with Arun Local Plan policies HER SP1 and HER DM1 and the NPPF.

- 5 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.