

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

REF NO: AB/111/17/HH

LOCATION: 77 Maltravers Street
Arundel

PROPOSAL: First floor side extension. This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the construction of a first floor side extension to the north-east of the host dwelling. The proposed extension will measure approximately 1.19m in width, 5m in depth, with a maximum height of approximately 5.1m. The proposed extension will be situated approximately 3.1m behind the primary elevation of the host dwelling.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The primary elevation of the property abuts the pavement with the rear and side boundaries consisting of flint and brick walling of approximately 2.5m in height and mature planting.

SITE CHARACTERISTICS

The application site is occupied by a Grade II Listed Building and is a semi-detached two storey dwelling with a rendered primary elevation and a slate roof. The application site is also situated within the Arundel Conservation Area.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential and features historic properties of various design and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Advisory Committee:

Objection

- A slanting pitched roof should be considered as alternative to the flat roof, in sympathy to the quality of the existing building.

- Other examples provided by agent do not set precedent for proposed works.

- Should the Council be minded to approve the proposed extension I would suggest the following;

- 1] Remove the existing, inappropriate, timber doorway and framework located at the back of pavement and relocate in line with the proposed extension. This would re-open the gap between Nos 75 and 77, thereby improving the street scene and providing visual separation between the two buildings which differ in appearance. This would also enhance their different character and improve their setting.

- 2] A large scale drawing of how the top edge of the flat roof will be treated at its north and south ends needs to be submitted as part of the application. So too should materials and finishes.

- 3] It may be better to reverse the layout of the shower/bathroom to allow the window to be installed on the north (street) elevation, in order to reduce the solid mass of the extension as seen from the street.

Comments on Consultation responses:

Comments noted. The proposal has been considered by the Council's Listed Buildings Advisor at pre-application stage and no objection has been raised by the Council's Conservation Officer in relation to this application. However, conditions have been included as part of this recommendation report requiring the submission of details concerning materials and the finish of the roof.

POLICY CONTEXT

Designation applicable to site:

Listed Building Grade II

Conservation Area

Within built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: AREA2
DEV19
GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Conservation Areas
Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
HER DM1 Listed Buildings
HER DM3 Conservation Areas

Arundel Neighbourhood Plan 2014 POLICY1:

HER SP1 The Historic Environment
SD SP2 Built-Up Area Boundary
The Presumption in Favour of Sustainable
Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD2	Conservation Areas
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Arundel Neighbourhood Plan has been made and Policy 1 is considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

Section 16(1) of the Planning (Listed Buildings & 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."

Where the building is located in a Conservation Area, Section 71(1) of the Act 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 not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7, DEV19 and AREA2 of the Arun District Local Plan; Policy 1 of the Arundel Neighbourhood Plan; and the NPPF.

DESIGN AND VISUAL AMENITY

The proposed first floor side extension will be situated to the north-east of the host dwelling and will be set back approximately 6m from the primary elevation in an alleyway.

The proposal by virtue of its design and location is considered to appear subservient and well integrated with the host dwelling in accordance with policies DEV19(i) and (ii) of the Arun District Local Plan. Given the location of the proposed dwelling and its location 6m to the rear of the primary elevation it will have a minimal presence within the street scene except when viewed directly.

Therefore, the proposed extension will not give rise to any unacceptably adverse impacts upon the spatial pattern or character of the street scene or that of the host dwelling. Therefore, the proposal is deemed to accord with policy GEN7(ii) and DEV19(v) of the Arun District Local Plan.

Policy DEV19(iv) is noted in this case but it is considered that the proposal by virtue of its location and design set back from the primary elevation will not create a terracing effect which would have an unacceptable impact upon the spatial pattern and character of the street scene.

The proposal is also considered to preserve the character of the Conservation Area in accordance with policy AREA2 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed extension by virtue of its design and location is not considered to give rise to any unacceptably adverse harm to the residential amenity of neighbouring properties. The proposal will be situated between the two properties and will not extend to the rear of 73 Maltravers Street.

Therefore, the proposal will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts. Therefore, the proposed development is deemed to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

LISTED BUILDING

The proposed development has been considered by the Council's Conservation Officer who has raised no objection in relation to the proposed scheme. Whilst, it is acknowledged that the proposal will result in the loss of a section of the western elevation, it is considered justifiable to achieve the proposed development.

It was identified by Dr Wightman at pre-application stage that the existing gate/door opening at ground floor level to the north-east of the host dwelling should be painted eggshell white or a darker tone.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below 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) 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 North & South Elevations, Street View & Section AA - 1012 106
- Proposed Floor Plans - 1012 105
- Proposed Roof Plans - 1012 104

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 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 and roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the Listed Building in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.