

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

REF NO: AB/116/25/HH

LOCATION: 38 Maltravers Street
Arundel
BN18 9BU

PROPOSAL: Addition of pergola and irrigation tank to approved landscaping scheme Ref: AB/115/24/HH and AB/116/24/L. (This application may affect the character and appearance of the Arundel Conservation Area).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

AB/107/25/S73	Variation of condition following the grant of AB/115/24/HH relating to amendments to the sauna and garden room (condition 2 - approved plans).	ApproveConditionally 14-10-25
AB/117/25/L	Listed building consent for addition of pergola and irrigation tank to approved landscaping scheme Ref: AB/115/24/HH and AB/116/24/L.	
AB/67/25/DOC	Approval of details reserved by condition imposed under reference AB/115/24/HH relating to condition number 3 - proposed brick wall - height and brick bond details and condition number 4 - sample panel of flint work.	DOC Approved 16-07-25
AB/115/24/HH	Landscaping works to rear garden. Including replacement of low level retaining wall and steps between different garden levels. Construction of garden room and sauna. (This application may affect the character and appearance of the Arundel Conservation Area).	ApproveConditionally 07-02-25
AB/116/24/L	Listed building consent for landscaping works to rear garden. Including replacement of low level retaining wall and steps between different garden levels. Construction	ApproveConditionally 07-02-25

of detached garden room and sauna.

AB/50/24/DOC	Approval of details reserved by condition imposed under reference AB/2/24/L relating to condition 3 - details of the first floor window on the west elevation serving the boot room.	DOC Approved 21-06-24
AB/2/24/L	Listed building consent for changes to the finishes schedule permitted under AB/88/23/L, a new window with replacement glass, replacement & altered stair joinery, a new lower ceiling to bedroom 2, reconstruction of the partition wall between bedrooms 3 and 4, new window boards and linings, raising ceiling collars on the third floor and pointing repairs and fitment of chimney pots / cowl to un-terminated flues.	ApproveConditionally 19-03-24
AB/88/23/L	Listed building consent for structural strengthening works including replacement of beams at ground floor level over dining room and first floor level over drawing room, removal of additional floor boarding and plaster finishes to facilitate timber treatment and installation of tanking system to pantry and WC.	ApproveConditionally 27-10-23
AB/85/23/DOC	Approval of details reserved by condition imposed under AB/32/23/L relating to condition 3-method statement on how floorboards are to be lifted safely, details of replacement fireplaces, details of all new internal doors, details of any new joinery and timber flooring, details of how new ventilation will be introduced in the boiler cupboard and what it will look like and details/methodology for how non-breathable paint would be removed.	DOC Approved 27-10-23
AB/31/23/HH	Internal alterations and repairs to exterior elevations. (This application may affect the character and appearance of the Arundel Conservation Area and a Listed Building).	ApproveConditionally 19-05-23
AB/32/23/L	Listed building consent for internal alterations and repairs to exterior elevations. (This application may affect the character and appearance of the Arundel Conservation Area).	ApproveConditionally 19-05-23

REPRESENTATIONS

Arundel Town Council - No response received.

Arun Conservation Area Advisory Panel - No objection.

1 No. letter of objection received on the basis of:

- Lack of justification.
- Setting a precedent.
- Noise disturbance and acoustic information.
- Proximity to habitable rooms.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Grade II Listed Building.

Conservation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is a Grade II Listed Building which is also located within the Arundel Conservation Area. It is located on the north side of the street with the houses and pavement becoming elevated after no.38, which results in the house having two entrances; one at street level and the other via the raised pavement at first floor level. The works will not be visible from the street scene.

This application seeks planning permission for a pergola and irrigation tank in the rear garden. The pergola would be sited to the lower part of the garden and would measure 3.6m in depth, 5m in width and would have a maximum height of 2.5m. The pergola would be an open structure, constructed from oak.

The irrigation tank would be sited to the rear of the garden room outbuilding and would measure 1.2m in

diameter and 1.6m in height. The structure would be small and would be sited to the rear of the garden room and as such, would not be visible from the street scene.

Given the siting of the proposed pergola and irrigation tank, the proposal would not result in harm to the character or appearance of the host dwelling, street scene or wider area. The proposals are therefore in accordance with Arun Local Plan policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The proposals are sited in the rear garden of 38 Maltravers Street. It would appear to be one of the larger gardens in the town with views of the Cathedral. It is also partially visible from neighbouring dwellings.

The pergola is sympathetic in style and would measure 2.5m high and would be set in 0.7m at its closest point to the eastern boundary. It would be mostly screened by planting and the high wall boundary treatment therefore reducing any impact to the adjacent neighbour. Given the scale and siting of the proposed pergola, it would not result in overshadowing or any overbearing impacts to neighbouring properties.

The irrigation tank would measure 1.6m high and would be set in 1.7m from the northern boundary and 1.8m with the eastern boundary. The irrigation tank would be screened by planting as well as the sloping land levels of the garden which would assist in reducing the impacts to neighbouring dwellings. Given the small scale and the existing topography of the application site, the irrigation tank would not appear overbearing or result in overshadowing of neighbouring dwellings.

Given the nature of the proposals, the proposals would not result in any additional overlooking to neighbouring properties. Furthermore, given the small scale nature of the proposals, the proposals would not result in any significant noise or disturbance to neighbouring properties.

The proposal would be in accordance with policy D DM1 of the Arun Local Plan.

HERITAGE

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

Paragraph 207 of the NPPF (2024) requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 208 of the NPPF (2024) requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. Paragraph 212 of the NPPF (2024) outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The applicant has provided a Heritage, Design and Access Statement which provides information in accordance with paragraph 207. Both elements of the proposal are appropriately designed and sited within the rear garden and are acceptable.

The proposals would have a neutral impact on the conservation area and would not harm the setting of the listed building. As such, the proposal would not result in harm to the significance of the designated heritage assets.

The proposals will have a neutral impact on the significance of the listed building and conservation area in accordance with policies HER SP1, HER DM1 and HER DM3 of the ALP and the NPPF.

SUMMARY

The proposed development is in accordance with the 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) 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.

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:

Location and Block Plan Rev A
Proposed Pergola Elevations and Details Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and HER SP1.
- 3 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).

- 4 **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 National Planning Policy Framework.