

Recommendation Report for Planning Permission

REF NO: AB/119/21/PL

LOCATION: 69 Church Cottages
Tortington Lane
Arundel
BN18 0BG

PROPOSAL: Variation of condition application following grant of AB/66/21/HH relating to Condition No 2 - approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary condition number 2 - approved plans, following the grant of AB/66/21/HH. The alterations include extending the extension by 0.9m to the south.
SITE CHARACTERISTICS	Residential
CHARACTER OF LOCALITY	Semi detached cottages located within rural setting.

RELEVANT SITE HISTORY

AB/66/21/HH	Erection of two storey side extension and associated works following the demolition of existing single storey rear extension	ApproveConditionally 13-07-21
-------------	--	----------------------------------

The previous scheme approved under AB/66/21/HH did not raise any concerns relating to the proposed extension being overbearing or over shadowing to neighbouring properties.

REPRESENTATIONS

Parish Council - No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary.

DEVELOPMENT PLAN POLICIESArun 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)

Arundel Neighbourhood Plan 2018-2031 AR1

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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."

The proposal is considered to comply with relevant Development Plan policies in that

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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and D DM4 of the Arun Local Plan and Policy AR1 of the Arundel Neighbourhood Plan.

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 AR1 of the Arundel Neighbourhood Development Plan states built up area boundaries remains an important feature of the new Local Plan in distinguishing how planning applications are considered if they relate to land inside or outside a boundary.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, side extension should also be subservient to the host dwelling and respect the space between buildings.

DESIGN AND VISUAL AMENITY

This application seeks an amendment to condition 2 relating to the approved plans. It is now proposed to extend by a further 0.9m to the south on the full width side extension. Alterations are also sought to the fenestration proposed.

The previous report noted that due to the extensions prominent positioning both the the front and rear would be visible and therefore there would be an impact to the street, however it went on to say that "due to the use of similar materials to the host dwelling it will not result in an harmful impact upon the street scene". The alteration sought would not materially alter the proposal and the extension is still seen as subservient to both the host dwelling and wider area, and due to the materials being retained as approved, it will visually integrated in a positive manner.

Having regard to the design and visual amenity, the proposal is deemed to accord with D DM1 and D DM4 of the Arun Local Plan and the Part M Arun Design Guide.

RESIDENTIAL AMENITY

The previous approval did not raise any concerns relating to overbearing, overlooking or overshadowing stating that the "side extension doesn't have a significant impact on neighbouring properties due to it's position away from the boundary."

The extension will now be extending 0.9m closer to the southern boundary. A separation gap of 2.2m will be retained from the external face of the extension to the southern boundary. To the south the land is of agricultural use as such there are no negative impacts from the slight change to the width of the extension.

Alterations to the proposed fenestration are also sought. These changes are to the ground floor openings only. They will not increase overlooking to the property to the north (rear) as windows to the ground floor are generally considered not to increase negative overlooking impacts. To the front the proposed fenestration will have views towards the road and over agricultural land.

It is therefore considered by virtue of not being overbearing, overshadowing and overlooking that the proposed extensions accords with policy D DM4 (c) of the Arun Local Plan and Part M of the Arun

Design Guide.

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.

SECTION 106 DETAILS

Enter Summary of Details of the Section 106

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;
 - Location and Block Plan 101 Rev B
 - Proposed Plans 104 Rev A
 - Proposed Elevations 105 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.
- 2 **INFORMATIVE:** : This permission relates to the variation of condition 2 of planning permission AB/119/21/PL. The applicant is advised and reminded that the remaining planning conditions

attached to the original planning permission number AB/66/21/HH remain in force and must be complied with.

- 3 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.