

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

REF NO: AB/11/15/HH

LOCATION: 23 Surrey Street
Arundel

PROPOSAL: Small enlargement of rear extension with new pitched roof, access doors & shiplap cladding. New garden fence. This application affects the character & appearance of Arundel Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. Replacement fencing will be 1.8m high, and constructed of timber. The previous composite material with the appearance of solid timber has been superseded. The proposed lower ground floor extension would be located to the rear of the dwelling and would be 1.2m at its widest point, 3.7m long and would have a sloping roof with a height of 3.4m dropping to 2.8m. It would have shiplap boarded elevations.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

To rear walling to approx. 1m with fencing on top to 2m. To side 2m - 1m high timber fencing.

SITE CHARACTERISTICS

Mid terrace 3 storey dwelling with stone elevations and slate roof.

CHARACTER OF LOCALITY

Edge of town centre location mainly residential characterised by dwellings of traditional design located on the road frontage. Library opposite.

RELEVANT SITE HISTORY

AB/4/60

Alterations and additions

Approve

11-03-1960

REPRESENTATIONS

Representations received:

Arundel Town Council

No Objection - Subject to materials being used being sympathetic to the age of the building.

1 letter of support from neighbour. The works proposed will improve the property and the street scene and are in keeping with the relevant conservation area considerations.

Comments on Representations received:

Comments noted. The planning application does not relate to the front elevation alterations which are subject to listed building consent.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee - No Objection

Conservation Officer - No Objection

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Grade 2 Listed Building

Class C Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
DEV19
AREA2

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Extensions to existing residential buildings
Conservation Areas

D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
HER DM3 Conservation Areas
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed

according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no policies in Arundel Neighbourhood Plan specifically relating to this type of development.

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 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 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

The proposed rear extension would be relatively minor in terms of its dimensions and is acceptable in principle on this basis. It would not be readily visible within the street scene being located at lower ground floor level behind the dwelling. It would essentially slightly widen and square off the existing extension to the rear. The height would not be increased and it would be subservient to the main dwelling in terms of its siting, design and materials.

The proposed fencing would replace existing timber fencing of varying height. The use of a composite material was not considered appropriate in the ground of a listed building and in a Conservation Area and it would now be constructed of timber and of a more traditional material which would not detract from the character and appearance of its historic setting.

The extension is single storey and is attached to the side of the existing dwelling. It therefore would have no impact on the dwelling to the west since it is screened by the existing dwelling. The dwelling to the west also has no openings in the side elevation. The dwelling to the east is separated by 1.8m high boundary fencing and the extension would retain a gap to the boundary of 0.8m and an eaves height of 2.5m. It is considered that this would provide an adequate distance to the boundary to prevent any materially adverse impact on the residential amenities of the neighbouring dwelling.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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 (the right to respect for 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 neutral 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).

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, A1514/05 revD, A1514/06 revB, A1514/07 revB.

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 shall take place until details of the proposed timber boundary fencing have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of amenity 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.