

Recommendation Report for Planning Permission**REF NO:** AB/120/12/**LOCATION:** Land adjacent to
84 Maltravers Street
Arundel**PROPOSAL:** Erection of 1 No new dwelling (resubmission following AB/8/12/)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to the erection of a three storey three bedroom dwelling joined to the end of the existing terrace of properties. It is proposed to replicate the design and appearance of the existing terrace in terms of height, design, materials and window style.
SITE AREA	0.3 hectares
RESIDENTIAL DEVELOPMENT DEN	33 dwellings per hectare
TOPOGRAPHY	Predominantly flat. Site lies at the base of Maltravers Street and the ground levels are lower than height of Maltravers Street by approximately 2m.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage flint walling to approximately 1m. Railings to front of 84 and rest of terrace to approximately 1m. Planting/hedging to rear boundaries.
SITE CHARACTERISTICS	End of terrace 3 storey property, white rendered elevations. Slate roof. White painted double hung sash windows. 84 has been extended to the rear.
CHARACTER OF LOCALITY	Site lies on edge of Arundel town centre in a predominantly residential area, close to the junction of Maltravers Street and the A27 roundabout.

RELEVANT SITE HISTORY

AB/8/12/	Erection of 1 no. new dwelling	Refused 22-03-2012
AB/121/12/L	Application for listed building consent for 1 No new dwelling	Refused 24-12-2012

REPRESENTATIONS

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Representations received:

Arundel Town Council

Objection - Door on wrong side of house to be sympathetic, addition of windows, insufficient parking, tree preservation order should be placed on adjacent tree, difficult for builders to access.

One letter of objection - This is the third planning application made on the site.

Comments on Representations received:

Comment on Parish Council comment - No trees are proposed to be felled. The tree is located on the adjacent property outside the application site and has protection due to its siting within a Conservation Area.

Comment on other representations - Proposal is of no benefit to the character of the area. The proposal would add a 7th unit to symmetrical terrace of 6 and could unbalance it. It is detrimental to the appearance of the listed terrace and its setting. Concerns previously raised by historic building advisor have not been addressed. Illegal parking already occurs in front of property. Garden has recently been cleared. Payment of affordable housing contributions do not justify granting of consent. Arundel is a beautiful town that needs and deserves to be protected.

CONSULTATIONS

Engineering Services Manager

Conservation Officer

Listed Building Officer

WSCC Strategic Planning

Southern Water Planning

Consultations responses received:

Council's Engineers - No objection in principle. Standard condition requested.

Comments on Consultation responses:

- comments noted and agreed

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Listed Building

Designated Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[AREA2](#)

The Form of New Development
Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies

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with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

LISTED/CA

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

The site lies within the built up area boundary where residential development is acceptable in principle provided normal development control criteria are met.

Given the position of the dwelling adjacent to an existing end of terrace, backing and siding onto non-residential areas it is not considered any adverse overbearing or overlooking effects would

result and there would be no adverse effect on residential amenity.

However, the adjacent building is listed and is located within a Conservation Area. The terrace has a strong cohesion in terms of its symmetry and is a significant and distinctive feature of the Conservation Area as entered from the main highway. Beyond the site boundaries historic buildings on Park Place and Mount Pleasant can be viewed. These longer views contribute positively to the character and appearance of the Conservation Area. The addition of a dwelling in this location therefore compromises the historic form and design of the terrace and the space around it and its broader contribution to the Conservation Area. The proposal is therefore contrary to advice contained in the National Planning Policy Framework and conflicts with Policy AREA 2 of the Local Plan.

The application is a resubmission of an earlier refused application (AB/8/12). The design amendments which include changes to the appearance of the dwelling so that it is now the same height as the existing and is not set in from the site frontage have not overcome the previous reasons for refusal.

Finally, the proposal results in the creation of a three bed residential dwelling (the proposed study is excluded) which requires the provision of a legal agreement to provide commuted sum payments of £14,495 in accordance with the Council's interim affordable housing policy. An agreement has been provided in this respect.

The application is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

FOR REFUSAL

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no negative 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).

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RECOMMENDATION

REFUSE

- 1 The site is adjacent to a Listed Building within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal by reason of its siting and size would conflict with the Local Planning Authority's intention to protect and enhance the visual amenities and environment of such areas and would be detrimental to the setting of the listed building, and with policies GEN7 and AREA2 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.