

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

REF NO: AB/129/19/HH

LOCATION: 75 Maltravers Street
Arundel
BN18 9BQ

PROPOSAL: Single storey side extensions and entrance porch. (This application may affect the setting of a Listed Building. This application affects the character and appearance of the Arundel Conservation Area).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a single storey side extension and a porch.

RELEVANT SITE HISTORY

AB/77/16/HH	Single storey side extension to West & new roof & garden room extension to East. This application affects the character & appearance of the Arundel Conservation Area & the setting of Listed Buildings (resubmission following AB/18/16/HH).	ApproveConditionally 01-09-16
-------------	---	----------------------------------

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Arundel Town Council
Parish Council - Objection.
- Overdevelopment of the area.

No representations received from occupiers of nearby dwellings.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No objection.
- The Conservation Officer raises no issue with the physical elements of the proposed development.
- The Conservation Officer states that the proposed materials are problematic, and would result in some harm to the building, and the surrounding conservation area.

C.A.A.C. - No objection.

- The Committee do object to the proposed materials, and believe that these should be required to be submitted via planning condition.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun 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)
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy AR1 of the Arundel Neighbourhood Development 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 HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of.

DESIGN AND VISUAL AMENITY

Due to the siting of the host dwelling, the proposed development will not be visible within the public realm. This is because the host dwelling is sited within the block of houses, surrounded by built form, which obscure views of the proposed extension from the wider locality. The proposed extension is considered to be an acceptable addition to the host dwelling, with regard to its form. This is due to it being of an appropriate scale when compared to the host dwelling, appearing subservient to, and well integrated with the host dwellings design.

The proposed development is considered to be appropriate when considered within the context of the application site, due to the proposal having a similar footprint to the extension it replaces, and it being sited acceptably within the plot.

Therefore, the proposed development is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development has 'less than substantial harm' upon the conservation area, due to the proposed materials. Therefore, Paragraph 196 of the Act applies, which states that where this level of harm is identified, the harm should be weighed against the public benefit of the proposal. This paragraph includes the following:

"Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. however, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation."

As it stands, it is considered that there is some public benefit as a result of the scheme, due to the proposed extension replacing a previous addition to the property, which increases the visual amenity value of the dwelling overall. Furthermore, the imposition of a condition to control the use of materials of the development is considered to greater increase this benefit, by endeavouring to achieve a better proposal.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful impact upon the residential amenities of neighbouring dwellings, by way of overshadowing or overbearing impact. This is due to the modest scale of the proposed extension, and the boundary treatment within the area. With regard to overlooking of adjacent dwellings, the proposed development is not considered to provide any views that are currently unavailable from the application site at current.

As such, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is considered to be acceptable on all grounds except the proposed materials, therefore, an agreement was reached with the agent allowing the plans condition to specifically not approve the reference to the materials. Therefore, the application will be approved 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.

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, without reference to the proposed materials, which are subject to Condition 3:

- Planning Drawing - Location & Block Plans & S Elevation - P01 - Oct 2019
- Planning Drawing - Ground Floor & Roof Plan & Elevations - P02 - Oct 2019
- Agent's email of the 31/01/2020 confirming that the plans do not form part of the plans approval

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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, roofs and joinery of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies HER DM3 and D DM1 of the Arun 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.