

Recommendation Report for Planning Permission

REF NO: AB/12/21/PL

LOCATION: Old Bank House
3 High Street
Arundel
BN18 9AD

PROPOSAL: Internal & external alterations to existing building to facilitate the change of use to a residential dwelling granted under AB/122/20/PD to include demolition of single storey rear extension, removal of rear external chimney, change existing window to front elevation to entrance door & new french doors to rear elevation. This application affects the setting of a listed building, affects the character & appearance of the Arundel Conservation area & is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal includes demolition of a small element of the building to the rear to enable a small courtyard to be provided for the new dwelling. A new front door is proposed to replace the existing window and make the 2 buildings symmetrical. There will be new timber french door to the rear for No.3 to gain access to the new rear courtyard. An external chimney to the rear will be removed and 3 new steps laid to match existing steps to No.1 to consist of 180mm risers and 320mm goings and reinstatement of paving slabs to match existing. The design will match the existing steps to No.1 with radius to edges.
BOUNDARY TREATMENT	The premises is located on the backedge of the pavement.
SITE CHARACTERISTICS	The site is occupied by a 4 storey building known collectively with no.1 as the Old Bank House. The building is finished with brickwork walls, timber sash windows with dormer windows on the top floor and a natural slate pitched roof.
CHARACTER OF LOCALITY	Town centre location comprising a mix of residential, retail, restaurant and commercial uses.

RELEVANT SITE HISTORY

AB/52/21/PL	Replacement of all windows with new timber double glazed sliding box sash windows and the proposed rendering of the South Elevation (front) with render painted white . This application affects the setting of a Listed Building and the character and appearance of the Arundel Conservation area.	Refused 09-06-21
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AB/122/20/PD Prior notification under Schedule 2, Part 3, Class O of the No Object'n + Conds
 Town & Country (General Permitted Development 18-12-20
 (England) Order (as amended) for the change of use of
 the existing building from office (Class B1(a)) to
 residential dwelling (Use Class C3) with minor internal
 layout and external changes.

REPRESENTATIONS

Conservation Area Advisory Panel - No Objection

Disappointed application is retrospective.

This imposing and architecturally pleasing building dating to the late 18th or early 19th century occupies an extremely prominent position fronting public gardens and the riverfront which are well used by residents and visitors to the town. These factors, in addition to the location within the historic core of the conservation area and adjoining a listed building (1 High Street), means that the highest standard of design in external alterations should be required.

The building should be treated as a non-designated heritage asset. It makes a positive contribution to the character and appearance of the conservation area. It also forms an immediate and important part of the setting of the adjacent listed building particularly given the very similar design and age.

Insufficient information is provided concerning the formation of the new door entrance on the road frontage. There is no reference to the proposed new doorcase and steps. The new door entrance should incorporate a painted timber doorcase which precisely matches in design, dimensions, profile and detailing that of the adjacent listed building. New steps should also match in design, materials and dimensions those of the adjacent building.

Chimneys are an important feature of the conservation area and its skyline. The Panel are concerned with the proposed removal of the rear chimney since it is visible in the street scene when viewed from the western part of the bifurcated High Street.

The proposals are unsatisfactory and fail to comply with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to the protection of non-designated heritage assets and designated heritage assets, including their setting.

Details of the new steps have now been submitted but they should be finished in stone ashlar to match those of the abutting listed building. The use of a trowelled cement finish is not acceptable given the heritage asset context.

No detailed drawings are given of the proposed doorcase with pedimented hood which is shown in outline on the proposed front elevation and it is still not clear whether it is part of the application proposals or not.

COMMENTS ON REPRESENTATIONS RECEIVED:

Additional information in respect of the steps has been provided, but there still remains a lack of detail of the other elements of the proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology Officer

Due to the proposed removal of the chimney and demolition of an extension there is a possibility that protected species and habitats could be disturbed / harmed by the proposal. Therefore, prior to determination we require that a biodiversity survey is undertaken on the site to determine if there is potential for protected species. If so further surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the planning application prior to determination.

Archaeology Officer - No Objection

Natural England - No Objection

Conservation Officer - Objection

Old Bank House is a late C18 terraced house which is located on the High Street so that the southern and western elevations face on to the High Street. The elevations are of brick construction and there is a brick modillion cornice. It has a hipped slate roof along with a red brick chimney. It is of 3 storeys and attic and basement. Old Bank.

Whilst number 1 is identified as being a listed building, number 3 is not. However, together they form an office building at the present time. The properties are joined by connecting corridors on the ground and second floors.

It would appear that number 3 is neither nationally or locally listed. However, the Planning Practice Guidance identifies that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications. As a consequence, it is considered that the building meets the definition of a non-designated heritage asset and should be treated as such.

The building is also sited within the Arundel Conservation Area, with a number of other listed buildings in the immediate local area. Buildings front directly on to the pavement and form a cohesive, attractive group. Old Bank House is located in a prominent location and can be viewed from the public gardens and riverside opposite but also from the nearby river bridge.

The Proposal seeks permission for a number of internal and external alterations to the building (number 3 only) to facilitate the change of use to a residential dwelling granted under a separate consent. Alterations include the demolition of a single storey rear extension, removal of rear external chimney, change an existing ground floor window to the front elevation to entrance door, and a new set of French doors to rear elevation.

Based on the elevation drawings it would appear that the proposed replacement entrance door would attempt to reflect that of the neighbouring listed building. However, there are issues with the current proposal. The ground floor plans show the new front door being almost flush with the front wall, as opposed to being deeply recessed as seen in the neighbouring listed building. In order for this element of the proposal to be positive and acceptable, the new door and opening should closely reflect the existing version. I also note that only the elevation indicates the presence of the steps from the street level, and that it is missing from the floor plans.

The new steps are required to accurately reflect those of their neighbour in terms of materials and appearance. At present, it is not clear what these would be constructed from alternative ones such as a trowelled cement finish.

Chimneys are an important feature of most traditional roofs. They often reflect the plan form of the

building and have been designed as part of the overall building concept. The chimney in question is visible from the public domain and its loss would be harmful to both the building and the conservation area. Further information is required as to the justification for the loss of the chimney. The rear extension is not visible from the public domain and its removal it therefore not considered to be harmful in this instance

Based on the level of information provided it is difficult to fully understand the proposals and assess their impact. It would help to have greater level of information so as to ensure that the new doors and steps reflect the existing ones. As a consequence, details of the new door and entrance should incorporate a painted timber doorcase which precisely matches in design, dimensions, profile and detailing that of the adjacent listed building. Detailed plans (to an appropriate scale) should be provided of both the door/doorcase and steps, and schedules of materials should ideally accompany the application, or be provided by way of condition if you are minded to approve the application. Details of the proposed paint colour should also be provided.

Conclusion - Whilst the concept of replicating the details of the neighbouring property is acceptable, the level of detail in the application is not enough to fully understand what the door/doorcase and steps would look like.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The biodiversity checklist submitted with the application does not refer to the presence of protected species and works have commenced on site. However given that demolition is involved the appropriate surveys should have been carried out to ensure there would be no adverse impact on protected species.

POLICY CONTEXT

Designation applicable to site:
Within Conservation Area
Building of Character
Adjacent to Grade 2 Listed Building
Arundel Town Centre

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

There are no relevant policies in the Arundel Neighbourhood Plan.

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 conflict with relevant Development Plan policies in that there would be a materially adverse effect on the character and visual amenities of the locality.

Where the building is located in a Conservation Area, Section 71(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 conflict with these criteria in that it is considered to materially affect the setting of the Grade II Listed Building and the character of the Conservation Area.

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

The site is in the built up area boundary.

In this instance the main criteria against which the application will be assessed is as per policies D DM1, D DM4, DSP 1, HER DM1, HER DM3 and HER SP1 of the Local Plan and the NPPF.

Policy D SP1 Design states that development has to be designed in such a way that it reflects its immediate setting in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 building, its neighbours and the locality.

Policy HER DM1 (e) requires proposals to protect and where possible enhance the setting of listed buildings. Policy HER DM3 seeks to ensure that development will only preserve or enhance the character of the Conservation Area or its setting. Policy HER SP1 states planning permission will be granted for development that conserves or enhances the historic environment and that non-designated heritage assets will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The changes to the elevation treatments facing High Street would not significantly alter the appearance of a prominent building in the Conservation Area and would replicate the appearance of the adjacent listed building. The physical changes on the east elevation are in keeping with the adjacent building, but are not clearly defined, but could be to match the adjacent building. The chimney to be removed is not prominently sited, but is visible in the street scene and it does make a valuable contribution to the appearance of the street scene. The site forms a prominent location along the High Street and built up street frontage. The lack of detail regarding the external changes included and the loss of the chimney with no adequate justification would detract from the appearance of the building and have a detrimental impact on the appearance and design of the building in conflict with relevant development plan policies DSP1, D DM1 and D DM4 of Arun Local Plan which require alterations to reflect or improve on the character of the site and the surrounding area.

IMPACT ON HERITAGE ASSET

The application includes a heritage statement (in the Design and Access Statement) in accordance with Paragraph 189 of the NPPF which requires applicants to describe the significance of any heritage assets affected. The level of detail should be proportionate to the asset's importance. Paragraph 190 states that Local Planning Authority's are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking into account any necessary expertise. The comments of the Conservation officer have been sought. There is conflict between the heritage asset's conservation and the proposal as set out below.

The building is not Listed, but it adjoins a listed building and is considered a non-designated heritage asset and is of high architectural merit. Given the external changes to the building are not insignificant and are not sufficiently detailed or justified they result in material harm to the heritage asset and the setting of the adjacent Listed Building. This harm when weighed against public benefits is not acceptable. The loss of the chimney is regrettable and given there is inadequate evidence to support its removal from this non designated heritage asset the proposal would conflict with para 197 of the NPPF which advises that harm to non-designated heritage assets should be subject to a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal will not enhance the heritage asset consistent with its conservation. It does not acceptably alter the appearance of the elevational treatments which are important elements of the building which should not be altered unless the impact is minimal.

The building is readily visible in the conservation area and has a positive impact on the character and appearance of the area. There is less than substantial harm to the heritage asset and the proposal includes inadequate justification for works to a building which affect the setting of a listed building in conflict with para 194 of the NPPF.

Policy HER DM3(b) requires alterations to existing buildings to be sensitively designed, constructed of appropriate materials and sympathetic in form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area. The proposal would detract from the appearance, character and detailing of the building and would not emphasise its features and qualities.

The proposal has an unacceptable impact on the conservation of the heritage asset and the appearance of the Conservation Area in accordance with policies HER DM1, HER DM3 and HER SP1 of Arun Local Plan and the NPPF.

IMPACT ON BIODIVERSITY

The removal of the chimney and demolition of the extension could harm/disturb protected species and habitats. Therefore, prior to determination a biodiversity survey would need to be undertaken on the site to determine if there is potential for protected species. If so further surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the planning application prior to determination. No appropriate surveys have been undertaken and the proposal is therefore contrary to policy ENV DM5 which seeks to achieve a net gain in biodiversity and protect existing habitats.

CONCLUSIONS

The application is therefore recommended for refusal for the following reasons

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.

RECOMMENDATION

REFUSE

- 1 Given the position, design and height of the chimney and the lack of adequate justification for its removal the proposal would adversely affect the character and appearance of the host property and the wider Conservation Area in conflict with policies D DM1, D DM4, D SP1, HER SP1 and HER DM3 of Arun Local Plan and the NPPF.
- 2 Based on the limited information submitted with the application and lack of detailing with respect to the proposed stairs, French doors, replacement door, doorcase and pedimented hood the proposal would adversely affect the visual amenities of the locality and would fail to preserve or enhance the character and appearance of the Conservation Area in conflict with policies D DM1, D DM4, D SP1, HER SP1 and HER DM3 of Arun Local Plan and the NPPF.
- 3 The proposed removal of the chimney and demolition of the extension have the potential to adversely affect protected species and disturb or harm habitats and it has not been satisfactorily demonstrated with the submission of appropriate surveys that the potential impact on protected species is acceptable in conflict with policy ENV DM5 of 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons 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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.