

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

REF NO: AB/135/12/

LOCATION: 1 The Old Poor House
Mount Pleasant
Arundel

PROPOSAL: Proposed loft conversion at rear of building, two conservation rooflights to rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the conversion of the existing roof space to habitable accommodation. External changes include the provision of 2No. conservation style roof lights. Internally a bedroom and en-suite would be provided, a new staircase and opening at second floor level.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The site rises in steps from west to east.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is an approximately 1.2 metre high brick wall on the rear boundary with approximately 1.5 metre high timber fencing to the sides.
SITE CHARACTERISTICS	The site is occupied by a three-storey terraced dwelling which is contained within a Grade II Listed Building. The elevation walls are finished with red brick quoining and flint. The roof is tiled and hipped with roof dormers facing to the rear.
CHARACTER OF LOCALITY	The site is located on a residential road which is characterised by a mixture of two and three storey semi-detached and terraced dwellings, the majority of which have flint elevations and are set back from the road with flint and brick walls to the front. The site is within the Arundel Conservation Area and there are a number of other Listed Buildings nearby. There is a raised lawn area to the rear of the site.

RELEVANT SITE HISTORY

n/a

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Listed Building Officer

Consultations responses received:

LISTED BUILDINGS ADVISOR:

No Objection, on the basis that the works do not impact on historic fabric, or the building's character.

CONSERVATION AREA ADVISORY COMMITTEE:

No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Listed Building Grade II

Within Designated Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan: [SEPBE6](#)

Management of the Historic Environment

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

The Form of New Development
Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

ADS

The Arundel Design Statement by Arundel Town Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity, the impact upon the Listed Building and the character and appearance of the Conservation Area.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Government's clear policy intention

to revoke regional strategies.

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 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 proposed development is for a loft conversion to provide a bedroom and en-suite bathroom within the roof space. The dwelling is part of a converted Grade II Listed Building which lies within the Arundel Conservation Area. It should be noted that two other dwellings within this building have similar conservation style roof lights to the rear roof slope.

The proposed additions to the roof slope are 2no. conservation style roof lights with no alterations proposed to the principal elevation. All other works are internal changes.

The proposed roof lights would sit comfortably within the rear roof slope and given the design do not protrude beyond the plane of the existing roof slope. Subject to a suitably imposed condition regarding materials to be used for the roof lights, the impact upon the appearance of the building is considered to be acceptable as well as the wider conservation area.

The potential for overlooking must also be considered with the provision of windows within the rear roof slope. Given the existence of existing second floor windows to the rear of the dwelling and that of neighbouring properties, the level of overlooking would not be increased to that existing. As such, the proposed loft conversion would not detrimentally impact upon neighbouring amenities.

The application is therefore recommended for approval subject to the conditions set out below.

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 (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 a neutral impact has 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:

Drawing No.s 5012-P-100 Revision A; 5012-P-105; 5012-P-101; 5012-P-102.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development shall take place unless and until details of the construction/operation mechanism and materials of the roof lights have been submitted to and approved by the Local Planning Authority and the roof lights hereby approved shall be constructed in accordance with approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV19, AREA2

SOUTH EAST PLAN: BE6

NATIONAL POLICIES: NPPF

SUPPLEMENTARY GUIDANCE: Arundel Design Statement

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 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 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.