

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

REF NO: AB/142/17/HH

LOCATION: 7 Old Poor House Cottages  
Mount Pleasant  
Arundel  
BN18 9BD

PROPOSAL: Loft conversion to provide bedroom and shower room, internal alterations to ground floor

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                               |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                                                                     |
| SITE AREA                  | N/A                                                                                                                                           |
| TOPOGRAPHY                 | Predominantly flat                                                                                                                            |
| TREES                      | None of any significance affected by the proposed development.                                                                                |
| BOUNDARY TREATMENT         | Fencing/walling.                                                                                                                              |
| SITE CHARACTERISTICS       | Detached property with plain tile roof and flint and brickwork elevations. White painted timber frame windows. Dentil course and brick quoins |
| CHARACTER OF LOCALITY      | Predominantly residential characterised by mainly older style historic properties of varying age size, style and design                       |

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| <b>RELEVANT SITE HISTORY</b> |
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|             |                                                                                                                                                                                                           |                                  |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AB/37/16/HH | Insertion of flat roof to existing roof valley, 3 No. dormers & new first floor to create 3 bedrooms & 2 bathrooms. This application affects the character & appearance of the Arundel Conservation Area. | Refused<br>20-05-16              |
| AB/143/17/L | Listed Building Consent for loft conversion to provide bedroom and shower room, internal alterations to ground floor                                                                                      | Refused<br>02-02-18              |
| AB/133/07/  | Loft conversion & alterations to provide 3 bedrooms, bathroom and en-suite.                                                                                                                               | ApproveConditionally<br>11-10-07 |

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Arundel Town Council

No Objection

**COMMENTS ON REPRESENTATIONS RECEIVED:**

None

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - Objection.

It is considered that the proposal fails to enhance the character of the Conservation Area or its setting.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. The external alterations to the building are limited and it is not considered that they adversely affect the character of the Conservation Area.

**POLICY CONTEXT**

Designation applicable to site:

Grade 2 Listed Building.

Conservation Area.

**DEVELOPMENT PLAN POLICES**[Arun District Local Plan \(2003\):](#)

|       |                                              |
|-------|----------------------------------------------|
| GEN7  | The Form of New Development                  |
| DEV19 | Extensions to existing residential buildings |
| AREA2 | Conservation Areas                           |

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

|         |                                                |
|---------|------------------------------------------------|
| D DM1   | Aspects of Form and Design Quality             |
| D DM4   | Extensions & Alterations to Existing Buildings |
| D SP1   | Design                                         |
| HER DM1 | Listed Buildings                               |
| HER DM3 | Conservation Areas                             |
| HER SP1 | The Historic Environment                       |

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

**PLANNING POLICY GUIDANCE:**

## 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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

### 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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Policy 1 of Arundel Neighbourhood Plan is considered relevant to consideration of this application.

## 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 these criteria in that it is not considered to materially affect the character of the Conservation Area.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & 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 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 building is part of the Old Poor House Cottages development and is a separate linked detached building of limited footprint. The proposed alterations are effectively a re-submission of works previously approved under application AB/133/07. However a response from the Historic Building Adviser was not received at that time and the Conservation Officer was not consulted. The policy framework against which alterations to Listed Buildings and heritage assets are considered has altered since that time.

The proposal would alter the shape and form of the building. However, although the provision of the dormer window and the addition of the roof light opening would increase the domestic appearance of the building it is not considered this would have an unacceptable adverse affect on the appearance and character of the Conservation Area. It is also considered that the limited form of the alterations relate sympathetically to the existing residential dwelling in that they are subservient in compliance with policy DEV19 of Arun District Local Plan.

In terms of residential amenity the only property affected is no 26 which is located at a lower level than the application property. The upstairs bedroom accesses a raised private garden area which is adjacent to the rear of the application dwelling. The front dormer would face the road by abutting the boundary and would not result in adverse overlooking or overbearing impacts on the small enclosed neighbouring garden.

The application is therefore recommended for approval 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), 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 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: Location, Site and Roof Plans 11002.02, Proposed Ground Floor Plan 11602.15, Proposed First Floor Plan 11602.16, Existing and Proposed South West Elevations 11602.12, Proposed South East Elevation 1216023.13, Proposed North West Elevation 11602.10, Proposed Long Section 11602.08A and Existing and Proposed Cross Section 11602.06.

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 The materials and finishes of the external walls and roofs of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 The proposed roof light shall not be installed until precise details of its design and materials have been submitted to and approved by the Local Planning Authority and the details so approved shall be used in the construction 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 policy GEN7 of the Arun District Local Plan.

- 5 **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.