

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

REF NO: AB/143/12/

LOCATION: 1 Surrey Wharf
Arundel

PROPOSAL: Two new rooms in roof with new shower room and internal adaptations to the ground floor

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for two heritage style rooflights and PVCu mock sash window to replace existing to front. Two rooflights, one obscured glazed, and PVCu mock sash window to replace existing on side elevation (north). Two rooflights to rear and PVCu mock sash window to rear.
SITE AREA	Approximately 185 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The site is predominantly flat but adjoining Tarrant Street to the north is situated on considerably higher land.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front. Walling to side rear approximately one metre in height and garage wall at over two metres in height to rear.
SITE CHARACTERISTICS	A single storey end of terrace property.
CHARACTER OF LOCALITY	Predominantly residential. A cul-de-sac with two and three storey properties.

RELEVANT SITE HISTORY

AB/16/09/	Proposed alterations for wheelchair use and associated rooms in the roof	Approve Conditionally 06-04-2009
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Noted.

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Three letters of objection (two from same address)

Unaware of application unless told by a neighbour.

Two windows overlook the properties and gardens of 91 and 93 Tarrant Street and that property devalued as a result.

Works to trees in passageway to north of site and installation of a heating pipe. Future scaffolding in passageway poses a security risk and obstruction to the dustbins.

The property has been built for use as elderly accommodation.

Concern that obscured glazed window in north elevation can be changed to plain glass in the future.

This proposal puts additional strain on car parking at the site and in the street.

Comments on Representations received:

Town Council comments noted.

Comments on the letters of objection.

The application has been advertised by way of a site notice outside the front of the property and another on the lamp post outside 22 Tarrant Street. It was also advertised in the West Sussex Gazette.

The two windows facing north towards 91 and 93 Tarrant Street are not considered to cause unacceptable overlooking as one is obscured glazed which will be secured by way of a condition and the other serves a staircase where the window is raised approximately 1.7 m above the internal floor level. Property devaluation is not a material planning consideration.

Alleged unauthorised previous tree works are not for consideration in this application. The requirement to erect scaffolding to undertake building works is not subject to planning control.

There is no planning condition on any previous planning permissions requiring age restriction at the property. It is considered that the site has adequate space for parking to accommodate two additional rooms which will serve family needs.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee

All rooflight windows should be conservation style and new bay window consistent with the adjacent building.

Comments on Consultation responses:

Noted. Conservation style rooflight windows are not required other than in the front elevation as they are not visible from the street scene. It is considered that the new bay window does not detract from the character and appearance of the street scene.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

ADS	The Arundel Design Statement by Arundel Town Council
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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 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 Governments 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

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.

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 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

PRINCIPLE

The site lies within the built-up area boundary where residential development is acceptable in principle.

DESIGN

The proposal is for six rooflights and three PVCu mock sash windows. The rooflights will enable two new double bedrooms to be provided in the roofspace.

The rooflights are small in scale and appropriately positioned within their respective roofslopes. The rooflights to front are heritage type which is considered appropriate for the Conservation Area. One rooflight on the side (north) elevation serves the ensuite shower room but will be obscured glazed. The other side elevation rooflight serves a staircase and is situated at least 1.7 metres from internal floor level to prevent any unacceptable overlooking to neighbouring rear gardens to the north. The three mock PVCu sash windows are replacements for existing windows without size changes and are considered acceptable in design. Although there are no similar rooflights in the immediate vicinity, they are of an appropriate style to fit in with the locality and the Conservation Area.

AMENITY

The front and rear rooflights are not considered to give rise to unacceptable overlooking due to sufficient separation distances to front and a neighbouring garage wall to the rear. Although there will be an additional two rooms in the roofspace, there is no justification for additional car parking spaces as the rooms will only serve family needs and an expansion that the site can support.

It is therefore recommended that the application 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 to 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: drawings 100/005 Proposed plans and elevations, dated October 2012.

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 The window on the south elevation of the building as shown in plan number 100/005 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 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, AREA2

NATIONAL POLICIES: NPPF

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.