

Recommendation Report for Planning Permission

REF NO: AB/22/22/PL

LOCATION: 61 Maltravers Street
Arundel
BN18 9BQ

PROPOSAL: Variation of condition 2 imposed under AB/109/18/HH relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Variation of condition 2 of AB/109/18/HH in relation to the approved plans.
SITE CHARACTERISTICS	The 'stable yard' site is part of the garden area of a listed terraced building at 61 Maltravers Street currently used for the garaging and parking of vehicles. It is located 5 metres beneath the garden level beneath a retaining wall and has level access to Tarrant Street via an undercroft under residential flats at no. 50 Tarrant Street.
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AB/109/18/HH	Proposed annex and car port located within the stable yard. This application may affect the character and appearance of Arundel Conservation Area. This application affects the setting of a Listed Building.	ApproveConditionally 21-12-18
AB/110/18/L	Application for Listed Building Consent for annex and car port located within the stable yard. This application may affect the character and appearance of Arundel Conservation Area	ApproveConditionally 21-12-18

REPRESENTATIONS

Town Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

LB GRADE II

CONS AREA (ARUNDEL)

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

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, The South Inshore & South Offshore Marine Plan 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.

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

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

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.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. Part J.01 relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced.

Arundel has a made Neighbourhood Plan with policy AR1 of relevance to the application. The proposal complies with this policy being located within the built up area boundary.

Policy HER DM3 relates to Conservation Areas and state that proposals must protect and if possible, enhance the setting of each.

Policy HER DM1 relates to Listed Buildings and state that proposals must preserve and if possible, enhance the historic character, qualities and special interest of the building. Not be detrimental to the historic integrity of the buildings exterior or interior and where possible enhance the setting of the building.

The principle of the development was established with the granting of AB/109/18/HH for an annex and car port located within the stable yard. The application included a flat roof car port, a covered turning space and an annex studio room. This application seeks the variation of the plans by reason that the carport will not be built. There are also slight amendments to the structure so that the proposed building is free standing away from existing walls.

DESIGN AND VISUAL AMENITY

Alterations to the approved plans have been made during the building of the extensions to this property namely the flat roof car port has not been built. Additionally, the pitched roof of the building was due to rest upon existing retaining and boundary walls to the west and east. It has been built free standing with support pillars/wall approx. 200mm in from the existing walls. the overall result is a building which is smaller but has a very similar appearance to the approved as only the support pillars to the covered turning area will be visible from outside of the building and only from a southern aspect given the boundary/retaining walls.

The scale of the building has been lessened. It will comply with policy in that the alterations are subservient to the structure and the host dwelling and as no other changes to the materials are proposed and thereby achieve acceptable visual integration within the street scene.

The proposed building is not visible from the street as it is set behind the buildings both in Maltravers Street and from the south in Tarrant Street.

The alterations are not considered to give rise to adverse impact upon the character of the area or the visual amenity of the building in accordance with D DM1 and D DM4 of the Arun Local Plan and Part J of the Design Guide.

RESIDENTIAL AMENITY

Give that the size and scale of the approved structure is being lessened, the building will have less propensity to be overbearing or overshadow neighbouring properties.

No additional windows are proposed and therefore the onsite levels of overlooking will not be negatively impacted.

In terms of privacy, overbearing impact or loss of light the proposal is acceptable and to complies with policy D DM1 and D DM4 of the Arun Local Plan.

HERITAGE ASSET

The effect on the Listed Building and Conservation have been deemed to be acceptable as per the previous consent.

The proposed scheme by virtue of its extent is seen to lessen the impact on the listed features of the building nor adversely effect the setting of the main dwelling house 61 Maltravers Street nor the setting of 48-52 Tarrant Street which are also Listed Buildings.

The alterations to the approved scheme will not alter its intensity, materials or overall scale. The amendments will not be visible to the wider area as such they are considered to cause no harm to the significance of the heritage asset in accordance with HER DM1 and HER DM3 of The Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;

- 17104/02 Proposed Plans
- 17104/03 Proposed Block and Location Plans

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.

- 2 No development above damp proof course (DPC) level shall take place unless and until;

- 1) Details of the course sand/gravel, and the retaining bricks for the hardstanding/turning area
- 2) Details of the cladding for the courtyard wall, its colour and how the remainder of the wall is to be treated
- 3) Details of the replacement section of the retaining wall, including the new gate to be inserted
- 4) Details of the new electric gate to be installed at the entrance off Tarrant Street
- 5) Details of the reveals of the glazing in the fenestration of the studio annexe and details of the barn style doors

have been submitted and approved by the Local Planning Authority. The details approved shall be used in the construction of the landscaping and built structures approved.

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

- 3 The outbuilding including gym, studio and car ports hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 61 Maltravers Street as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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.
- 5 INFORMATIVE: This permission relates to the variation of approved plans of planning permission AB/109/18/HH only and does not seek to alter or discharge any of the conditions attached to the original approval.