

Recommendation Report for Planning Permission

REF NO: AB/28/21/PL

LOCATION: 19A, 19B, 19C, 21, 23, 25, 27 and 29
River Road
Arundel
BN18 9EY

PROPOSAL: Works to reinstate boundary walls, balconies & outbuilding. This site may affect 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	Works to reinstate boundary walls, balconies and an outbuilding. The proposed works include the following to properties along River Road as follows: 19A and 19B - reinstatement of boundary walls and replacement balcony; 19C - reinstatement of boundary wall (balcony permitted separately AB/72/20/HH); 21 - reinstatement of boundary wall and outbuilding (render elevations and slate roof); 23 - reinstatement of boundary wall; 23a - reinstatement of boundary wall and rebuilding of balcony and stair; 25 - reinstatement of boundary wall and ornamental garden gate; 27 - reinstatement of boundary wall and ornamental garden gate; 29 - reinstatement of boundary wall and fence.
BOUNDARY TREATMENT	Brick walls
SITE CHARACTERISTICS	A row of houses backing onto the riverside
CHARACTER OF LOCALITY	A residential area close to the centre of Arundel
None relevant	

REPRESENTATIONS

Arundel Town Council - No objection.

Arun District Council Conservation Area Advisory Panel - No objection subject to use of appropriate detailing and materials. They have requested a condition for bricks to be submitted and agreed by the Council.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

The applicants have indicated that they will use 'new or re-used bricks to suit each property' which is considered adequate as an indication of materials with no further need for a condition to be applied.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - No objection, the proposals do not cause harm of the significance of the heritage assets or their setting.

Environment Agency - No objection.

ADC Drainage - No comment

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

NO PUBLIC SEWER

ADOPTED LOC PLN

ABUTTS RIV ARUN

CONS AREA

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
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 policies in the Neighborhood Plan that relate to this development.

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 the walls and balconies and outbuilding is acceptable and does not cause any harm to residential amenity

LISTED/CA

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

The main policy issues in this application are policy D DM1, D DM4 , HER DM2 and HER DM3 of the Arun Local Plan

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.

Policy HER DM2 Proposals for the alteration or extension of buildings on the Local List will be expected to relate sensitively to the building or structure and its setting and respect its architectural, landscape or historic interest.

Policy HER DM3 ensures that development will only preserve or enhance the character of the

Conservation Area of which they area within, or affect the setting of.

DESIGN

The proposal to replace walls, balconies and an outbuilding are acceptable in terms of design being like for like replacements.

RESIDENTIAL AMENITY

The proposed works will not have an impact on the residential amenity of neighbouring properties as they are like for like replacements of what is already there.

HERITAGE IMPACT ASSESSMENT

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Paragraph 189 of the National Planning Policy Framework requires such information to be provided in order to assess the impact of the proposal on these assets. In this instance the development does not cause harm to the Conservation Area in which it is sited, to the Locally Listed Buildings or neighbouring Listed Buildings. This is due to the modest scale of the proposal, its location and the use of materials allowing the proposal to have no significant presence in the Conservation Area nor does it have an adverse effect on the Locally Listed Buildings or the setting of nearby Listed Buildings.

SUMMARY

THE development is considered to accord with Local Plan policy and is 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) 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 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:

Proposed Site Plan Dwg.No. 5 Rev C dated 15.02.2021

Proposed South Elevation Dwg.no. 6 Rev C dated 15.02.21

Proposed Detailed elevation dwg.no. 8 Rev C dated 16.02.21

Proposed Detailed elevation dwg.no. 7 Rev B dated 16.02.21

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.

- 3 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.