

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

REF NO: AB/34/18/HH

LOCATION: 70 Maltravers Street
Arundel
BN18 9DS

PROPOSAL: Installation of 2 No. conservation area Velux windows to rear. This application may affect the setting of a listed building & affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	The surrounding land slope down to the north, south and west and rises to the east.
BOUNDARY TREATMENT	The property is part of a terrace and there is a high brick wall to the rear of the small enclosed yard.
SITE CHARACTERISTICS	The application site is at the western end of a red brick terrace of four properties with a red clay tile roof that fronts directly onto the street at the junction of Park Place and Maltravers Street. Each of the houses in the terrace has gables over the first floor windows at the front and dormers at the rear and high ornate chimneys. Number 70 has a very small rear yard enclosed to the west by a high red brick wall and the flank wall of the adjoining property - a large detached L shaped flint house with a slate roof.
CHARACTER OF LOCALITY	To the west there is a terrace of early 19th century cottages and to the rear is a single detached property fronting Park Place which has a blank gable end facing the application side. On the opposite side of Maltravers Street are more modern detached houses.

RELEVANT SITE HISTORY

No relevant site history

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Arundel Town Council
None

COMMENTS ON REPRESENTATIONS RECEIVED:**CONSULTATIONS**

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:**POLICY CONTEXT**

The property is within the Arundel Conservation Area and a designated Building of Character.

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

AREA2	Conservation Areas
GEN7	The Form of New Development
GEN22	Buildings or Structures of Character

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

HER DM2	Locally Listed Buildings or Structures of Character
HER DM3	Conservation Areas
D DM4	Extensions & Alterations to Existing Buildings

<u>Arundel Neighbourhood Plan 2014 POLICY1:</u>	The Presumption in Favour of Sustainable Development
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Arundel Neighbourhood Plan 2014 POLICY13:	Buildings and Structures of Character
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

ADS	The Arundel Design Statement by Arundel Town Council
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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 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)..

The Arundel Neighbourhood Development Plan has been made and the relevant policies have been considered in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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.

The proposal due to its minor nature and containment within the existing building structure will have no impact on the setting of a Listed Building.

"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 preserve the character of the Arundel Conservation Area and this Building of Character and have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties,

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

Due to the existing dormers and the high chimneys on the terrace the conservation roof lights will be barely noticeable from any public or private viewpoint. As such the character of the building and the conservation area will be conserved in compliance with policies AREA2 and GEN22 of the Arun Local Plan. Moreover, the bedroom is currently very dark and the additional light from these windows makes the property more suited to its optimal use as a dwelling which is more likely to lead to its conservation in the long term in compliance with the NPPF and NPPG. There are no windows in the facing gable end of the dwelling in Park Place and the proposed windows will not result in any additional overlooking of that property in compliance with policy GEN7 of the Arun Local Plan.

HUMAN RIGHTS ACT

FOR APPROVAL

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.

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 plan no. 1000
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies AREA2 and Gen22 of the Arun District Local Plan.
- 3 The making good of the building to complete the execution of the works for which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

Reason: To preserve the appearance and special character of the building for the future in accordance with policies AREA2 and GEN22 of the Arun District Local Plan and the National Planning Policy Framework.

- 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.