

Recommendation Report for Planning Permission

**REF NO:** AB/38/19/PL

**LOCATION:** 65 Tarrant Street  
Arundel  
BN18 9DJ

**PROPOSAL:** Application to vary planning condition 2 on AB/89/18/PL to introduce a roof light to the Arun Street elevation. This application affects the character & appearance of the Arundel Conservation Area and affects the setting of a listed building.

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                    |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to vary a condition imposed on previous planning permission AB/89/18/PL, this involve the provision for a roof light on the Northern and Eastern roofslopes. |
| SITE AREA                  | N/A.                                                                                                                                                                               |
| BOUNDARY TREATMENT         | Not relevant to this proposal.                                                                                                                                                     |
| SITE CHARACTERISTICS       | The property is a mixture of galleries and offices in the historic part of Tarrant Street.                                                                                         |
| CHARACTER OF LOCALITY      | The property is part of the Arundel Conservation Area.                                                                                                                             |

**RELEVANT SITE HISTORY**

|             |                                                                                                                                                                                          |                                  |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AB/89/18/PL | Change of use of loft space from office storage to office work space & installation of roof light. This application affects the character & appearance of the Arundel Conservation Area. | ApproveConditionally<br>20-11-18 |
| AB/101/08/  | Use of ground floor as gallery (A1) with offices at 1st floor                                                                                                                            | ApproveConditionally<br>08-09-08 |
| AB/156/01/  | Change of use from residential to commercial use for complimentary therapies and retailing related products                                                                              | ApproveConditionally<br>12-02-02 |
| AB/88/96    | Alteration to west elevation to provide false balcony and doors                                                                                                                          | Refused<br>26-09-96              |

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Arundel Town Council

Parish Council - No objection.

C.A.A.C - Objection.

- The proposed traditional roof light will be more readily seen than those in the area.
- This will have a detrimental effect on the character and appearance of the Conservation Area.
- This would be mitigated if the roof light were of a conservation design with glazing bars.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The applicant was contacted and provided a plan which when approved, will impose that the roof light will be of conservation design, with glazing bars.

## CONSULTATIONS

Conservation Officer

### CONSULTATION RESPONSES RECEIVED:

None.

### COMMENTS ON CONSULTATION RESPONSES:

N/A.

## POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Arundel Conservation Area

Locally Listed Building

### DEVELOPMENT PLAN POLICES

[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                                  |
| SDSP2  | SD SP2 Built-up Area Boundary                               |

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 2:

A Spatial Plan for the Town

**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.

The Parish of Arundel has a 'made' neighbourhood development plan, the policies within have been considered during the determination of this application. It is noted that Arundel has an emerging Neighbourhood Development Plan, of which Policy AR1 is relevant, although has limited weight.

**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.

**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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1, D DM4 and HER DM2 of the Arun Local Plan. Additionally, Policy1 & 2 of the Arundel Neighbourhood Development Plan. It is noted that Arundel has an emerging Neighbourhood Development Plan, of which Policy AR1 is relevant, although has limited weight.

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 of the Arun Local Plan relates to Locally Listed Buildings or Structures of Character. First, it sets out the criteria that should be met by the buildings in order to become locally listed. With relation to the alteration or extensions of buildings on the Local List, it states that the proposal should relate sensitively to the building, respecting 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 AND VISUAL AMENITY**

The proposed development is not considered to result in any significant impact upon the character of the host dwelling, or its wider locality. The proposed roof lights are of a conservation design, which is considered to allow them to resonate with the design and character of the host dwelling. Therefore, the proposal is considered to be in accordance with D DM1, D DM4, HER DM2 and HER DM3 of the Arun Local Plan.

#### **NEIGHBOURING RESIDENTIAL AMENITY**

The proposed development is not considered to have any significant impact on the residential amenities of nearby dwellings. This is largely due to the fact that the proposal does not introduce any significant built form onto the host dwelling. Whilst the proposal involves the addition of a new window into the host dwelling, it is not considered to result in any significant loss of privacy to occupiers of nearby dwellings. Therefore, the proposed development is in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

#### **SUMMARY**

The proposed development is deemed to accord with relevant development plan policies and as such 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**

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.

|                       |
|-----------------------|
| <b>RECOMMENDATION</b> |
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**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:

- Elevations as Proposed - Dwg. 120 - Rev. C - July 2018

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: This permission relates to the variation of condition 2 of planning permission AB/89/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number AB/89/18/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.

- 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.