

Recommendation Report for Planning Permission

REF NO: AB/43/20/PL

LOCATION: White Cottage
32 King Street
Arundel
BN18 9BW

PROPOSAL: Demolition of rear extension. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

No relevant site history.

REPRESENTATIONS

Arundel Town Council - No objection.

Arun District Conservation Area Advisory Panel:

Objection to the removal of a building they feel builds on the character of the conservation area. More information should have been provided in the heritage statement.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer:

The application relates to a rear, single storey building which at some point has been joined to the main house by a corridor. The structure first appears on the 1897-98 OS Map and has what appears to be a fine chimney. It is of brick construction using what appears to be a 'Sussex bond'. The proposal to remove this building is unfortunate, as it is not fully clear why it should be demolished. Whilst not visible from the conservation area, its loss would remove part of the history associated with the building and the site.

At present, it is considered that the loss of the building is harmful. This level of harm is considered to be less than substantial. It is suggested that such harm could be described as being on the lower end of the spectrum. As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of the Planning (Listed Buildings

and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
2km Buffer for Site of Special Scientific Interest
Within the Built Up Area Boundary
Within the Conservation Area
Archaeological Notification Area
CIL Charging Zone 2

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
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 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, 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.

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 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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The extension that is to be removed is located within the built up area boundary where the principle of development is acceptable in accordance with Policy AR1 of the Arundel Neighbourhood Plan subject to compliance with policies D DM1, D DM4 and D SP1.

DESIGN AND VISUAL AMENITY

The single storey proposals are considered to accord with policy D DM1, D SP1 and D DM4 and of the Arun Local Plan as there will be a reduction in the development on the site and there will be less of a visual impact on the neighbouring properties.

HERITAGE ASSETS

The proposal falls within the Conservation Area. Para 190 of the NPPF requires the LPA to consider the significance of the proposal upon the heritage assets. The development can be described as having less than substantial to the setting of the Conservation 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 and the setting of the listed building.

RESIDENTIAL AMENITY

The removal of the extension would not cause any additional impact on the residential amenity of neighbouring properties being there is less development near them. The scheme is therefore considered to accord with policy D DM1 and D DM4 of the Arun Local Plan.

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.

CIL DETAILS

This application is not CIL Liable.

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:

Block Plan
Existing Floor Plans
Proposed Ground Floor

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.