

Recommendation Report for Planning Permission

REF NO: AB/59/20/PL

LOCATION: 65 Tarrant Street
Arundel
BN18 9DJ

PROPOSAL: Change of use of loft space from office storage to office work space & 2 No dormer windows to roof. This application affects the character & appearance of the Arundel Conservation Area. This application is not CIL Liable as in CIL Zone 2, (zero rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE CHARACTERISTICS	An art gallery with offices above.
CHARACTER OF LOCALITY	A mixed commercial and residential area in Arundel Conservation Area

Permission was granted in 2018 for similar application except with rooflight rather than a dormer window.

REPRESENTATIONS

Arundel Parish Council - No objection provided correct use of materials.

1 letter of no objection received from a nearby occupier
- Design could be improved by using glass divided into halves to match others nearby.

Conservation Area Advisory Committee
- Dormer window to the west is too large in relation to the scale of the roof.
- It would provide an overcrowded appearance.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The property is a non-designated asset, nearby listed properties and within a Conservation Area. Whilst the idea of introducing dormers might be acceptable, there are concerns. The dormers proposed are large and do not result in a positive feature. As such they can be described as causing less than substantial harm, with the harm on the lower end of the scale. Public benefit will need to be considered.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

CONS AREA

NO PUBLIC SEWER

PD RESTRICTION

BLDGS SPEC CHAR

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
HERDM3	HER DM3 Conservation Areas
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
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 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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

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 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

PRINICPLE

The key policies considered are D DM1, D DM4 and HERDM3 of the Arun Local Plan and AR1 of the Arundel Neighbourhood 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 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 proposal seeks to construct two dormers to the roof slope for use of as office space. The property is located to a corner and therefore one dormer will front Tarrant Street to the north whilst the second will front Arun Street to the west.

There are two dormers located to the neighbouring property at No.61 and the proposed north facing dormer has been designed with similar proportions to those in existence to the east, with a width of approximately 1.35m and a height of 1.8m. The north facing dormer will also be located directly above the first floor window below, again to match that of the neighbouring property which adds to its integration and ensure it appears in character with those in the area and incorporated within the street scene.

The second dormer will be situated to the western elevation. This dormer is slightly larger with a width of 2m. There is a chimney also situated to this elevation and the addition of a dormer would provide an additional feature to this roof slope. It is however not considered that it would it appear overly dominant or an alien feature in such that a refusal is justified.

With dormers evident along both Tarrant Street and Arun Street they are not considered to appear out of character. The materials proposed are also considered consistent with style of the area, comprising of a lead roof with timber windows. The windows casement will be similar to the host dwelling to ensure they appear well integrated.

The proposal as a result of the siting and design is not considered to result in an adverse impact in the appearance of the property within the street scene and such accords with D DM1 and D DM4 of the Arun Local Plan.

HERITAGE ASSETS

The property is recognised as a non designated asset with listed buildings within the vicinity. It is also situated within a Conservation Area and therefore the asset has some significance.

Paragraph 190 of the NPPF require that the LPA must consider the significance of the heritage asset, before assessing any potential harm. Whilst there are dormers in the area, at present, the proposed are considered to be harmful due to their size and as such the proposal can be described as having less than substantial harm, with the harm considered to be on the lower end of the scale. Therefore, public benefits will need to be considered.

The development would result in office space for the use of by a business, which may result in limited public benefit.

However, it is not considered that the impact on the Conservation Area is reason alone to justify a refusal, in that it is considered that as a result of the design and with similar dormers, within close proximity and in the absence of significant harm, the proposal is not considered to result in a detrimental impact upon the heritage asset in which the application should be refused and as a result accords with HERDM3 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting of the dormers, they are not considered to result in an adverse overbearing or overshadowing impact. They also both front the street scene and as such views are not deemed to result in adverse overlooking in accordance with D DM1 and D DM4 of the Arun Local Plan.

USE OF ROOF AS OFFICE SPACE

There are nearby employment uses within the vicinity and along Tarrant Street. With a shop below the property, the use off the top floor as office space is not considered to result in a change to the intensity of the use of the property and the use is considered acceptable.

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 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 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:
 - Location Plan - 005
 - Elevations as Proposed - 120 D
 - First and Second Floor Plans as Proposed - 101 Rev E
 - Basement and Ground Floor as Proposed - 100 D
 - Design and Heritage Statement

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.