

Recommendation Report for Planning Permission

REF NO: AB/5/18/PL

LOCATION: Norton Studio
School Lane
Arundel
BN18 9DR

PROPOSAL: First floor extension & change of use of existing office to form single dwelling. This application may affect the setting of listed buildings & affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to add a second storey with a pitched roof and alter the frontage to make a one bed dwelling. The ridge height will be 7.7 m, 1 m lower than that of the original house, number 4, which is a separate dwelling. The roof will be slate and slate hanging is proposed on the gable. The walls will be brick. A skylight is proposed on the rear roof slope.
TOPOGRAPHY	The site slopes upwards from west to east
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary is marked by a public footpath. To the rear is the garden wall of 85 Maltravers Street. To the side is the alleyway separating the application site of the flank wall of 83 Maltravers Street.
SITE CHARACTERISTICS	The application site was built as a single storey extension to number 4, a semi-detached house built of flint with brick quoins with a slate roof and sliding sash windows which is locally listed along with it's neighbour as a building of character. The extension is built of brick painted cream with parapet in front of the corrugated metal monopitch roof. It has a large double window across the frontage and is currently used as an architectural studio. There is a narrow alleyway separating the application site from the gable end of the adjacent property 85 Maltravers Street, a Grade II Listed Building. To the rear are the back gardens of 79-83 Maltravers Street which are Grade II Listed Buildings. The buildings fronting Tarrant Street to the south are also Grade II Listed.
CHARACTER OF LOCALITY	Predominantly residential in character, there are densely packed properties of historic character in this and the neighbouring streets. The building fronting Maltravers Street to the immediate north-east are Grade II listed for their architectural and historic importance. Opposite is the library, a large building with paired green doors at either end

approached by a small flight of steps and set back behind railings.

RELEVANT SITE HISTORY

AB/62/17/PL	Erection of pitched roof over existing building with office within & new front elevation to existing office (resubmission following AB/117/13/). This application affects the setting of listed buildings & affects the character & appearance of the Arundel Conservation Area.	ApproveConditionally 05-07-17
AB/117/13/	Erection of pitched roof over existing building with office within & new front elevation to existing office. Resubmission of AB/128/08. This application affects the character and appearance of Arundel Conservation Area	ApproveConditionally 21-01-14
AB/62/10/DOC	Discharge of conditions 2 & 3 of planning reference AB/128/08/	DOC Approved 04-08-10
AB/128/08/	Erection of pitched roof over existing building with office within, and new front elevation to existing office.	ApproveConditionally 24-12-08
AB/184/06/	Partial Change of use from residential to A2	Approve 14-02-07
AB/81/02/CA	Conservation Area Consent for demolition of single storey converted former shop unit	ApproveConditionally 27-11-02
AB/82/02/	Demolition of single storey building, erection of two storey dwelling and insertion of front dormer window.	ApproveConditionally 27-11-02
AB/127/97	Extension & alterations to existing cottage	ApproveConditionally 11-02-98
AB/84/97	Change of use of shop unit from commercial use to residential/domestic use	ApproveConditionally 10-09-97

A very similar extension, albeit with a different glazing pattern to the front elevation, has been recently permitted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

No objection.

1 letter of objection

Precedent which will allow the erosion of the character of the conservation area; parking issues; loss of light to garden; loss of privacy; loss of outlook.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Permission has previously been granted for a similar proposal. The garden of the property to the rear is overshadowed and overlooked by the existing buildings and as such there will not be a significant impact on the amenities of this property

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

Archaeology Advisor

CONSULTATION RESPONSES RECEIVED:

Conservation officer

Concern over impact on character of conservation area and especially roof scape and the commercial element to the street but accepts that permission has been previously granted - condition relating to material required.

Archaeological Adviser

Unlikely to be an impact on archaeological deposits to warrant refusal or require mitigation.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted and condition as required

POLICY CONTEXT

Within the built up area and the Arundel Conservation Area, adjacent to a Building of Character and with potential to affect the setting of a Listed Building.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
GEN2	Built-up Area Boundary
GEN22	Buildings or Structures of Character
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
HER DM1 Listed Buildings
HER DM2 Locally Listed Buildings or Structures of Character
HER DM3 Conservation Areas
HER SP1 The Historic Environment
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 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 Plan has been made and the relevant policies considered in the determination of this application.

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.

Where the building is located in a Conservation Area, 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 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. The site is also within Arundel Conservation Area.

Policy AREA2 of the Arun District Local Plan and policy HER DM3 of the emerging Arun Local Plan 2011-2031 require that the character of the conservation area is preserved or enhanced. It has the potential to affect the setting of a Listed building and is adjoining a designated Building of Character therefore needs to comply with the requirements of policies DEV11 and GEN22 of the Arun District Local Plan and policies HER DM1 and HER DM2 of the emerging Local Plan 2011-2031. The design and impact on visual amenity and the amenity of neighbouring occupiers also need to be considered in compliance with Arun District Local Plan policies GEN7 and DEV 19 and policies D DM1 and D DM4 of the emerging Arun Local Plan 2011-2031.

The existing building does not make a positive contribution to the character and appearance of the Conservation Area. The design of the proposed extension is in keeping with the adjoining property but remains subservient to it therefore retaining its special character. It will not look out of keeping with its neighbour or the other properties in the street and will therefore enhance the character and appearance of the conservation area and will not detract from the visual amenities of the locality. A material consideration, which the Conservation has accepted in not objecting to the proposal, is that a new one bed residential unit has already been permitted on the site in the recent past.

The Listed buildings fronting Maltravers Street and Tarrant Street are characterised by a densely packed built form and therefore the development of this small gap in the frontage at first floor level only will not adversely affect the setting. As such the proposal complies with policies AREA2, GEN7, GEN22 and DEV19 of the Arun District Local Plan and policies HERDM1, HER DM2, HER DM3, D SP1, D DM1 and D DM4 of the Arun Local Plan 2011-2031 and policy 1 of the Arundel neighbourhood Plan.

Having regard to the orientation and the existing closely packed built form, in particular that of the property immediately to the north, 83 Maltravers Street and the adjoining building to the south, 4 School Lane, there will not be a significant impact on the light and outlook of the occupiers of neighbouring properties. The properties to the rear are overlooked by each other and the existing house number 4 and the window proposed at the rear is a roof light which will minimise any additional overlooking. As such the proposal complies with policies GEN7 and DEV19 of the Arundel District local Plan and policies D DM1 and D DM4 of the Arundel Local Plan 2011-2031.

The property is in a sustainable location within the town and close to the town centre where the requirement for parking and external space is reduced. As such the proposal complies with policies 1 and 2 of the Arundel Neighbourhood 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.

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:06269/1, 06269/02 and 06269/03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies AREA2 and GEN7 and of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.

- 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.