

Recommendation Report for Planning Permission**REF NO:** AB/61/13/**LOCATION:** 9A Tarrant Street
Arundel**PROPOSAL:** Installation of window to flank wall. This application affects the setting of Arundel Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to insertion of a timber window in the north side elevation of the property at first floor level. The opening would measure 1.5m x 1m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site is located on the back edge of the footpath in Tarrant Street. Flint wall to car park to rear 3 metres high.
SITE CHARACTERISTICS	3 storey semi-detached property. Cream painted elevations to front and rear and plain brickwork to side. Plain tile roof.
CHARACTER OF LOCALITY	Town centre location. Mixed uses. Mainly retail at ground floor and residential on upper floors. Most properties are 2 or 3 storeys high and terraced in nature. Premises to east in Tarrant Street is single storey.

RELEVANT SITE HISTORY

AB/56/62	Alteration to form lock-up shops and flat over	Approve 18-09-1962
AB/113/81	Change of use from retail to Estate Agent	ApproveConditionally 12-08-1981

REPRESENTATIONS**Representations received:**Arundel Town Council
Arundel Town Council

Objection - The property should be listed

Comments on Representations received:

Whether the property should be listed is not relevant to the consideration of this application. No harm to the character of the building or the Conservation Area is identified by the Town council.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer - The location of the window is such that it has the potential to be viewed from Tarrant Street which has the potential to impact upon the conservation area. However, the location of the property along with the window is such that there should be little opportunity to view it from the street-scene. This would therefore reduce its impact.

Consequently, should the application be approved, it is recommended that for its impact to be minimised, the window should be of high quality i.e. matching those of the other windows in the property.

As it currently stands, there is little information provided with regards to the window detail, this should be conditioned as part of any approval.

Comments on Consultation responses:

Comments noted. A condition relating to submission of details is suggested.

POLICY CONTEXT

Designation applicable to site:
Conservation Area
Building or Structure of Character
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight.

The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material

consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published.

Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption.

At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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."

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 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 proposal relates to insertion of a secondary window in the north elevation of the existing property. There are currently no openings in the side wall of the premises. The window would serve a lounge which has a larger window opening in the rear elevation. In principle the insertion of a window is acceptable subject to there being no adverse effect on residential or visual amenity or the character and appearance of the Conservation Area.

Residential Amenity

The window would face onto the roof of the existing retail unit. Oblique views would result to the beer garden to the south, but this is already overlooked by the lounge window at second floor level in the south elevation. It is not therefore considered that any materially adverse overlooking effects would result from the proposal.

Visual Amenity and Impact on Character of the Conservation Area

The proposal would add a window to an elevation of the building that is currently devoid of openings. However it would not visually dominate the elevation and subject to appropriate design would not detract from the character and appearance of the Conservation Area. It would be located slightly off centre which would reduce its visual prominence from Tarrant Street. Symmetry is not considered essential in this particular case. Windows on the rear and front elevation of the building are not centrally sited. A condition is suggested to ensure that the Local Planning Authority has control over the precise details of the opening.

Conclusion

It is therefore considered that the application is approved subject to the following conditions

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(the right to respect for 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 no negative 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).

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 No development shall take place until precise details of the timber window hereby permitted have been submitted to and approved by the Local Planning Authority. The details should reproduce the style and material of other timber window frames and casements on the building. The details so approved shall be implemented in the construction of the window and retained thereafter.

In order that the development shall not detract from the character or appearance of the Conservation Area in accordance with policy AREA2 of the Arun District Local Plan.

- 3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.