

Recommendation Report for Planning Permission**REF NO:** AB/78/12/**LOCATION:** 27A Tarrant Street
Arundel**PROPOSAL:** Application for Minor Material Amendment following planning approval AB/56/10 to install velux windows in lieu of approved dormers**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application is an amendment to previous approval AB/56/10 and involves alterations to the window on the rear roof slope by increasing its width to 1.9m and the change from a dormer window on the east elevation to 2 small velux windows measuring 1.2m long by 0.7m high.
SITE AREA	Approximately 147sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None
BOUNDARY TREATMENT	Front boundary is open to the highway. Rear and side boundaries have flint walling.
SITE CHARACTERISTICS	Ground floor is currently retail adjacent to a cafe. Painted shop front with residential above. Entrance to flat is via doorway at front of shop. Side extension at first floor level, rear is knapped flint with balcony over first floor, plain tiled roof. 2 storey properties adjoin both sides. 27A is lower than the adjoining. No. 29 slate roof and render with one window facing onto roof. No. 25 plain tile roof and part rendered elevations. One window in roof slope of application site existing.
CHARACTER OF LOCALITY	Within the Arundel Conservation Area. Mixture of residential and commercial premises many of which are listed properties.

RELEVANT SITE HISTORY

AB/128/01/	Alterations & extensions to existing house	Approve Conditionally 16-11-2001
AB/169/06/	Renewal of unimplemented planning permission AB/128/01 for alterations & extensions to existing house	Approve Conditionally 25-01-2007

AB/56/10/	Renewal of unimplemented planning permission, AB/169/06/, for alterations & extension to existing house.	Approve Conditionally 26-07-2010
AB/128/10/	Amendment to previously approved AB/56/10/ - rear roof slope altered to mansard slope with dormer & flat roof	Approve Conditionally 18-02-2011

REPRESENTATIONS**Representations received:**

Arundel Town Council

Objection - The velux windows are not suitable for a building in the Conservation Area

Comments on Representations received:

A window was previously approved in the rear roof slope and this proposal increases its size. The proposed velux windows would not be in a rear roof slope, but in a side facing roof slope and would be relatively small in size. This would reduce the visual prominence of the window in the street scene and would not cause harm to the visual amenities of the locality or the character and appearance of the Conservation Area.

CONSULTATIONS**Consultations responses received:**

No comment

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built up Area Boundary

Within Arundel Conservation Area

Class C Road

The Emerging Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this application. It remains subject to public consultation and the formal adoption process as a whole, and is therefore of very limited weight in terms of the decision making process at this stage. Policies SP20 and DM17 are considered relevant.

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPB6	Management of the Historic Environment
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	AREA2	Conservation Areas
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity and the character and appearance of the Conservation Area.

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 and Conservation Areas) Act 1990 states:

In the exercise, with respect to any land or 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 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 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

Planning History

The application varies an earlier renewal approval AB/56/10 by increasing the size of the rear velux window on the south elevation and changes an approved dormer to a 2 velux windows on the east elevation of the rearward projecting roof slope.

The overall increase in height of the ridge by 0.7 metres has not increased and is as previously approved. The retail area is to remain unchanged. The re-arrangement of the basement, ground and first floors is as previously approved and does not form part of the proposal.

The proposal has been submitted in response to amendments made to the windows in the course of construction. Another velux window has been added in the west elevation and this has not been included in the application and remains outstanding.

Visual Amenity and Impact on the Character of the Conservation Area

The alterations are not significant. The proposed windows match existing. There would be no materially adverse effect on visual amenity. The size of the opening in the roof has been reduced to facilitate the change from a dormer window to 2 velux windows and they would be located close to the bulk of the roof reducing their visual prominence.

Impact on Residential Amenity

The windows replace a dormer window previously approved and would not alter the resulting overlooking.

Conclusion

It is recommended 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 approved shall be carried out in accordance with the following approved plans 559/R/1.

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

- 2 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7,AREA2,DEV19

SOUTH EAST PLAN: BE6

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 3 INFORMATIVE: This approval does not purport to grant consent for the velux window which has been inserted on the west facing roof slope which is not indicated on the submitted drawings and would require the submission of a separate application for planning permission.