

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: AB/7/14/

LOCATION: 33 Maltravers Street
Arundel

PROPOSAL: Ground floor rear extension and internal alterations. This application may affect the character and appearance of Arundel Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The rear extension measures approximately 7.2m in depth, approximately 5m in width and approximately 4m at a maximum height. Brickwork elevations and plain clay roof tiles are proposed which will match existing.
SITE AREA	Approximately 150 square metres.
TOPOGRAPHY	The rear garden slopes significantly downhill from north to south.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary is marked by a public footpath and the road of Maltravers Street. There is walling, hedging and trellis fencing at over 1.5m in height to the rear.
SITE CHARACTERISTICS	A three storey mid-terrace townhouse with brown brick elevations and a pitched roof with plain brown tiles. There are bay windows at ground and first floor to the front and a dormer set in the roof. The rear elevation has a distinctive first floor sloping roof projection with small dormers at ground and first floor levels.
CHARACTER OF LOCALITY	Predominantly residential in character, the immediately surrounding properties are three storey terraced townhouses of historic appearance and character.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer
Listed Building Officer

Consultations responses received:

Historic Building's Advisor
No objection.

This scheme is generally acceptable on the basis that the addition is relatively subservient. The retention of the wall nibs to express the earlier structure as discussed is also welcome. The only concern is the large horizontal window above the folding doors. This should ideally be subdivided to match the door widths. This will make it more sympathetic with the new and existing fenestration. Please condition materials and glazing details, including the rooflight which must be a Conservation type.

Conservation Area Advisory Committee
No objection.

Comments on Consultation responses:

Comments noted. In respect to the Historic Building Advisor's comments, relevant conditions concerning materials, glazing details and a conservation type rooflight will be recommended on any permission. Since the identified horizontal window on the rear elevation of the property is the same style as existing, it is not considered to cause any harm to the character and appearance of the Conservation Area.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Conservation Area
Building of Structural Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
	AREA2	Conservation Areas

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality
	D DM2 Internal Space Standards
	D DM4 Extensions & Alterations to Existing Buildings
	HER SP1 The Historic Environment
	HER DM2 Locally Listed Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

ADS	The Arundel Design Statement by Arundel Town Council
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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.

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

Paragraph 215 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 unacceptable adverse impact upon the character and appearance 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

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant Arun District Local Plan policies which in this case are GEN7, DEV19 and AREA2 which seek to prevent development that would have an adverse impact upon visual and residential amenities and also preserves or enhances the Conservation Area.

DESIGN AND VISUAL AMENITY

This application is for a single storey rear extension. The extension will not be seen from Maltravers Road and as such will make a limited contribution to the street scene or the wider Conservation Area. The extension will have a split level roof that is approximately 1m higher where it joins on to the back wall of the property. This is considered to be a sympathetic design as it forms a natural continuation of the rear wall. The rear extension will also be built from matching materials so as to ensure acceptable visual integration with the property which is a Building of Structural Character.

Rear extensions are evident to the rear of this characterful property row, most notably No. 35 immediately next door which has a PVCu conservatory. The three rooflights on the extension have a minimal projection and therefore a discreet appearance. The proposed rooflight at second floor level on the property is small and matches those in design and position observed at Nos. 35 and 37 to the west.

The Historic Buildings Advisor has no objection to the scheme, subject to conditions relating to its materials, glazing and the rooflight being of a Conservation type.

The proposal is therefore considered to comply with relevant policies GEN7(ii), DEV19(i) and AREA2 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The rear extension will not cause any harmful residential effects due to its single storey nature and the high side boundary treatment which consists of a 3m high brick wall neighbouring No. 35 and walling and wooden fencing adjacent to No. 31. There is a narrow access path running between the property and No. 31 which provides an acceptable separation distance and No. 35 has a rear extension broadly in line with the proposed extension. Therefore, the extension is not considered to cause any unacceptable overshadowing, overbearing, overlooking or loss of privacy.

The rooflight at second floor level in the property is small and angled up due to the slope of the roof and as such will not cause any harmful overlooking. The three rooflights in the extension have a small projection and with a considerable distance to internal floor level will not cause any unacceptable overlooking.

The proposal is therefore considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun

District Local Plan.

It is therefore recommended that the application is approved, subject to the following conditions.

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 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, a neutral impact has 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 The development hereby approved shall be carried out in accordance with the following approved plans: drawing numbers 13576/04 A (Location and block plans), 13576/01 (Existing plans), 13576/02 (Proposed plans), 13576/03 (Proposed elevations, section and perspectives) all dated December 2013.

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

- 3 The materials and finishes of the brickwork used in the rear extension hereby permitted shall match in colour and texture to those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No development shall take place until glazing details of the extension hereby approved have been submitted to and approved by the Local Planning Authority and the details so approved shall be used in its construction.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the appearance of the Building of Special Character in accordance with the National Planning Policy Framework.

- 5 No development shall take place until details specifying a Conservation style rooflight have been submitted to and approved by the Local Planning Authority and the details so approved shall be used in its construction.

Reason: In order that the development shall not detract from the appearance of the Building of Special Character in accordance with the National Planning Policy Framework.

- 6 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.