

Recommendation Report for Planning Permission**REF NO:** AB/8/12/**LOCATION:** Land adj
84 Maltravers Street
Aundel**PROPOSAL:** Erection of 1 no. new dwelling**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to the erection of a three storey three bedroom dwelling joined to the end of the existing terrace of properties. It is proposed to replicate the design and appearance of the existing terrace in terms of height, design, materials and window position, although the roof would be slightly lower and the front elevation would be set back slightly behind the existing terrace .
SITE AREA	0.3 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	33 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. Site lies at the base of Maltravers Street and the ground levels are lower than height of Maltravers Street by approximately 2m.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage flint walling to approximately 1m. Railings to front of 84 and rest of terrace to approximately 1m. Planting/hedging to rear boundaries.
SITE CHARACTERISTICS	End of terrace 3 storey property, white rendered elevations. Slate roof. White painted double hung sash windows. 84 has been extended to the rear.
CHARACTER OF LOCALITY	Site lies on edge of Arundel town centre in a predominantly residential area, close to the junction of Maltravers Street and the A27 roundabout.

RELEVANT SITE HISTORY

AB/53/88	Shed (flint, brick and slate) as an extension to existing shed	Approve Cond 01-08-1988
AB/54/88/L	Application for Listed Building Consent for shed (flint, brick and slate) as an extension to existing shed	Approve Cond 01-08-1988

AB/26/95/L	Application for Listed Building Consent - Remove lath and plaster from g/f walls and replace existing wooden floor with solid concrete floor. Strap cracked gable wall with 4 ties & rods held internally to joists. Temporarily remove brick verge detail to roof & replace in original position after lead flashing installed.	Approve Cond 05-05-1995
AB/152/00/L	Application for Listed Building Consent for the erection of a conservatory to the rear	Approve Cond 13-02-2001
AB/82/05/	Introduction of one gateway to garden wall to match existing gateway	Approve Cond 22-07-2005

REPRESENTATIONS

Representations received:

Arundel Town Council

Objection:

Would appear as a modern addition that would fail to respect and sympathise with the integrity and appearance of the row of terraced properties and this prominent part of the street scene. The scheme also provides no off street parking and would unacceptably exacerbate the existing demand for the limited spaces in the car parking bays to the front of the terrace.

Two letters of objection:

Proposal will detract from the aesthetic of the existing row of houses and result in the destruction of trees and flint wall. A high risk of flooding is suggested. Would contravene historical and architectural integrity of the area, would impact flow of existing terrace of six. End elevation of character would be covered over; the development would do nothing to lessen shortage of affordable housing; wouldn't enhance or protect area; would alter balanced appearance of terrace; would exacerbate parking problems; would impact on a significant sycamore tree on the boundary; noise disturbance during construction; traffic would be obstructed.

Comments on Representations received:

Town Council:

Comments with regard to impact on street scene are agreed, but site is sustainably located so concerns regarding lack of parking are not shared.

Comments on other representations:

Site lies in Flood Zone 1 and is not therefore at a high risk of flooding and it is not anticipated that the sycamore tree would be adversely affected as it is located on the site boundary.

CONSULTATIONS

Southern Water Planning
Conservation Area Advisory Com
Listed Building Officer
WSCC Local Development Divis.

Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Conservation Area Advisory Committee:

Objection:

Windows should match proportional detail of adjoining properties. Extension will spoil rhythm of door elevation.

Southern Water:

Exact position of foul and surface water must be determined on site before layout is finalised. If sewers can't be diverted an objection notice would be issued. Any new connections will require a formal application for connection to the foul sewer.

Engineers:

Condition suggested.

County Highways:

No objection. In terms of vehicle movement the proposed dwelling is unlikely to result in any material increase or any detrimental impact. Cycle parking should be included and controlled by a condition, if not already available. The new dwelling is sustainably located within walking distance of public car parks and close to links with public transport network.

County Archaeologist:

No response needed.

History Buildings Advisor:

Objection:

84 Maltravers Street is an end of terrace house which appears to date from the early 19th century. The terrace has a strong cohesion in terms of its form and design and an overall symmetry that renders it complete with respect to the building's scope and appearance. The fenestration and doors in particular inform this symmetry and balance which to date remain uncompromised.

As such, the terrace constitutes a significant feature of the Conservation Area as entered from the main highway. Its white stucco finish and proximity to the road gives it a prominence in the streetscape that contrasts strongly with the stone and brick buildings beyond. Its polite nature is also a distinctive feature within the Conservation Area here and contributes to Arundel's varied architectural and historic character. Viewed from the south, the terrace is terminated with a twin gable which gives some understanding of the building in the round. Beyond this, historic buildings can be seen on Park Place and Mount Pleasant within the Conservation Area.

Unfortunately, the proposal to add a further dwelling to the terrace can only compromise its historic form and design and as such its broader contribution to the Conservation Area as described. It would certainly harm the symmetry of the group as well as undermine its integrity as an historic feature of the town. The variation in the new building's design, such as its set back position, lower ridge level and alternative treatment of the front boundary, only compounds this as it seeks to be sympathetic with the terrace, but ultimately remains alien to it.

This not only impacts directly on the building itself but also its setting which is fundamental to

the building's appreciation within the Conservation Area. Of particular concern here is the space around and either side of the building, its relationship to the street scene, as well as the permeability of the site which contributes to the asset and its broader context. Policy HE10.1 is quite clear about this.

HE10.1 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application.

In considering its impact, both on the asset and its setting, this scheme does not appear to provide any broader benefits that might outweigh this harm. Without a compelling justification the local planning authority is obliged under Policy HE 9.1 to preserve the asset in its existing form:

HE9.1 There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

In this instance the assets affected are the listed building itself, the listed buildings that form the terrace and the Conservation Area. On this basis and for the reasons above this scheme cannot be supported.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	GEN7 AREA2	The Form of New Development Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment

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 above policies combine to describe the criteria against which the application will be assessed particularly with regard to 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."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and have an adverse impact upon the established character of the surrounding area.

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 states:

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 conflict with these criteria in that it is considered to materially affect the character and the setting of the Grade II Listed Building and 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 lies within the built up area boundary where residential development is acceptable in principle provided normal development control criteria are met.

Given the position of the dwelling adjacent to an existing end of terrace, backing and siding onto non-residential areas it is not considered any adverse overbearing or overlooking effects would result and there would be no adverse effect on residential amenity.

However, the adjacent building is listed and is located within a Conservation Area. The terrace has a strong cohesion in terms of its symmetry and is a significant and distinctive feature of the Conservation Area as entered from the main highway. Beyond the site boundaries historic buildings on Park Place and Mount Pleasant can be viewed. These longer views contribute positively to the character and appearance of the Conservation Area. The addition of a dwelling in this location therefore compromises the historic form and design of the terrace and the space around it and its broader contribution to the Conservation Area. The proposal is therefore contrary to advice contained in PPS5 and conflicts with Policy Area 2 of the Local Plan.

Finally, the proposal results in the creation of a three bed residential dwelling (the proposed study is excluded) which requires the provision of a legal agreement to provide commuted sum payments in accordance with the Council's interim affordable housing policy. No such agreement has been provided as part of the proposal.

The application is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The site is adjacent to a Listed Building within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal by reason of its siting and size would conflict with the Local Planning Authority's intention to protect and enhance the visual amenities and environment of such areas and would be detrimental to the setting of the listed building, and with policies GEN7 and AREA2 of the Arun District Local Plan, policy BE6 of The South East Plan and PPS5 Planning for the Historic Environment.
- 2 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of PPS 3 and the Council's interim affordable housing policy adopted on 18 August 2010