

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

REF NO: AB/96/14/HH

LOCATION: 37 King Street
Arundel

PROPOSAL: Internal alterations including relocation of staircase and new partitions, formation of bedroom within existing loft space including construction of rear dormer window and new staircase, construction of single storey rear extension and associated internal alterations. This application affects the character and appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 150 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building fronts the pavement and road. Close boarded fencing and hedging at approximately 2m in height to the rear.
SITE CHARACTERISTICS	The application site comprises a two storey mid-terrace property with flint elevations and brick window surrounds. The roof is pitched with slate roof tiles. There is a single storey brick built structure projecting from the rear wall of the property with a gable facing end. The building has a strong historic identity that is matched by the uniformity of those it adjoins in the terrace row, particularly to the front.
CHARACTER OF LOCALITY	The area is part of a residential street in central Arundel and comprises mainly of two storey terraced properties which have an historic appearance. The amenity land for the site and other properties in this row is located solely to the rear.

RELEVANT SITE HISTORY

AB/97/14/L	Application for Listed Building Consent for Internal alterations including relocation of	Refused
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staircase and new partitions, formation of bedroom within existing loft space including construction of rear dormer window and new staircase, construction of single storey rear extension and associated internal alterations.

06-10-2014

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

Objection.

This scheme is problematic for the reasons set out in the pre-application advice and as such cannot be supported.

The staircase appears to be in its historic location and as such maintains the historic plan of the listed building. Previous applications from 1975 and 1977 would seem to confirm this. Historic plans and layouts are important to the special interest of listed buildings and should be preserved in accordance with the PPS5 Practice Guidance.

The addition to the rear, whilst likely to be acceptable in principle, is not as yet convincing. The new roof form and rear elevation seems overly complex. The proposed dormer window is also over-sized and should not include a top opening vent.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

Listed Building Grade II

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN2](#)

[GEN7](#)

[DEV19](#)

[AREA2](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

Conservation Areas

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

HER DM1 Listed Buildings

HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

ADS

The Arundel Design Statement by Arundel Town Council

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Felpham.

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 historic property which is Grade II

listed.

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 the Arun District Local Plan which in this case are considered to be policies GEN7, DEV19 and AREA2 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and either seeks to preserve or enhance the character and appearance of the Conservation Area.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for various internal and external works to the property. The external works comprise a rear dormer window in the roofslope of the property and a single storey rear extension. These works also form the subject of allied Listed Building Consent application AB/97/14/L.

The Historic Building's Advisor has raised an objection to the scheme stating that the new roof form through the dormer windows and rear extension are overly complex in their design. The proposed dormer window is also considered too large in size and should not include a top opening vent. It is therefore considered that the rear dormer window and single storey extension are unacceptable in their design and would be harmful in visual amenity terms and neither preserves nor enhances the character and appearance of the Conservation Area.

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

RESIDENTIAL AMENITY

The dormer window in the rear roofslope is set at approximately 1.5m above internal floor level with only indirect views being afforded into neighbouring gardens which is not considered to give rise to any harmful overlooking or loss of privacy.

The rear extension will be built hard up to the side southern boundary. However, at single storey in height and with a sizeable adjoining rear projection at no. 35 to the south, it will not cause any harmful overbearing or overshadowing effects on to this or any other property.

The proposal is therefore considered acceptable in residential amenity terms and complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

It is therefore recommended that the application be refused for the following reason.

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 refusal 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 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, 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

REFUSE

- 1 The single storey rear extension and dormer window by reason of their elaborate design and appearance would not be visually subordinate or sympathetic to the dwelling. The dormer window would also be harmfully excessive in size which is unacceptable to the visual amenities of the site and neither preserves nor enhances the character and appearance of the Conservation Area in conflict with policies GEN7, DEV19 and AREA2 of the Arun District Local Plan and policies D DM1, D DM4 and HER DM3 of the Publication Version of the Emerging Local Plan and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.