

Recommendation Report for Planning Permission

REF NO: AL/100/18/PL

LOCATION: Nyton House
Nyton Road
Westergate
PO20 3UL

PROPOSAL: Internal alterations together with replacement of 3 No. existing PVCu windows with sliding sash windows & reinstatement of bricked up windows on first floor.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to make internal alterations to create 1 No. additional ground floor bedroom with en-suite, the installation of a new staircase and the installation of an accesible communal WC along with the installation and/or alterations to en-suites. The only changes to the external appearance of the building would be the proposal to replace 3 of the existing PVCu windows with white painted timber casework windows and to reinstate a bricked-up window on the first floor of the western elevation with the same.
SITE CHARACTERISTICS	The application site comprises of a large detached two and a half storey Grade II Listed Care Home surrounded by spacious gardens.
CHARACTER OF LOCALITY	The area is considered to be rural in character as it is located outside of the edge of the nearest settlement and built-up area boundary. However, it also lies within a cluster of existing residential and agricultural buildings.

RELEVANT SITE HISTORY

AL/99/18/L	Listed building consent for internal alterations together with replacement of 3 No. existing PVCu windows with sliding sash windows & reinstatement of a bricked up window on first floor.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received.

CONSULTATION RESPONSES RECEIVED:

No responses received on this application but the the Councils Principal Conservation Officer has been consulted on the separate Listed Building application for these works and his formal response includes the following comments:-

"The application seeks permission to carry out internal reconfiguration of the internal ground floor and 1st floor layout, reinstatement of a bricked up window on first floor, as well as for the replacement of three UPVC windows with ones of a traditional design.

Nyton House is a large, attractive country house, with pleasant gardens and attractive walling. A number of farm buildings and other structures surround the house and garden and form part of a larger grouping of buildings. Some of these buildings are closely located to the property, but are in separate ownership. Some of these form what appears to be a terrace of three dwellings, which have been altered in appearance (Wyncote, Nyton Gable and Nyton Farm Cottage). I also note that Nyton Cottage (listed, Grade II) is located to the west of the property.

The property in question is Grade II listed and features two storeys and an attic; it is constructed from red bricks, with a tiled roof. Sash windows exist with a large bay of three windows at the south end of the east front. The interior of the property is very attractive, especially the rooms to the front of the property, along with the two historic staircases. The use of the building as a care home has influenced how the rooms are used, with some obvious previous alterations in existence. However, the layout of the building is such that the rooms can still be understood to some extent.

The internal alterations allow for the provision of en-suite facilities in a number of bedrooms. Such alterations are acceptable as they have been positioned so as to minimise the impact upon the rooms, whilst also being reversible, should needs change in the future.

New walls should allow for reversibility and to this end it is important that existing details such as coving and skirting are not harmed by the installation of new stud walls.

The reinstatement of a bricked up window on the first floor is supported as it would allow the western elevation to be returned to a more sympathetic appearance. Further it would allow the internal arrangement of the room affected by the works to be better appreciated.

The proposed replacement of three UPVC windows with ones of a traditional design is supported as windows constructed from such a material are considered to be harmful to the character of the building.

Overall, it is considered that the proposal allows for the continued use of the building, and can be supported."

POLICY CONTEXT

Outside built-up area boundary.
Grade II Listed Building.

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

Aldingbourne Neighbourhood Plan 2016 POLICY LC1

Support independent living

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Quality of Design

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

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).

The relevant Aldingbourne Neighbourhood Development Plan policies have been considered, however, they do not directly relate to heritage assets.

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 although it is located outside of the defined built-up area boundaries within both the Arun Local Plan and the Aldingbourne Neighbourhood Development Plan, it is a type of development that is appropriate in such areas.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with this criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building..

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 application site is located outside of the built-up area boundary as set out within both the Aldingbourne Neighbourhood Development Plan (ANDP) and the Arun Local Plan (ALP). ANDP policy EH1 "Built Up Area Boundary" is relevant and states that proposals for development outside of the built-up area boundary or that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm. Policy C SP1 of the ALP states that development will be permitted in the countryside where it is in accordance with other policies in the Plan which refer to a specific use or type of development.

Policy LC1 of the ANDP states that: "Proposals for new, converted and extended independent living and care homes will be supported provided that the design and scale of development are in keeping with the character of the location and that the impact on the amenity of surrounding residential properties is acceptable."

It is also noted that paragraph 83 of the National Planning Policy Framework (NPPF) states that planning decisions should enable the sustainable growth & expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings.

D DM1 point 5 - Adaptability - requires developers to acknowledge diversity and difference. Buildings and places should be flexible to future adaptation, including the changing needs of occupants (for example ageing users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.

SITE

Further to the comments above from the Councils Principal Conservation Officer the development is therefore considered to be in accordance with the following policies of the Arun Local Plan - D DM1 regarding the character, attractiveness, impact and scale; D DM4 regarding sympathetic and visually integrated alterations; D SP1 regarding character, materials, finish and architectural details; HER DM1 regarding the preservation and enhancement of the historic building and HER SP1 regarding the conservation and protection of historic buildings. Policy H1 of the ANDP relating to the alteration of existing dwellings has also been complied with by ensuring the development and materials respect the local character and location

Policy EH11 of the ANDP relating to the protection of Flint Walls has been considered but the designated wall at Nyton House will not be affected by these proposals and therefore it is not relevant.

DESIGN & VISUAL AMENITY

Section 16.2.8 of the Arun Local Plan states "When repair, alterations or extension works are deemed appropriate in principle, they must relate sensitively to the original buildings. In almost all cases, the

materials used for alterations, extensions or repairs should match the original. The use of non-traditional materials such as PVCu will not normally be acceptable unless there is sound justification to do so."

The existing PVCu windows are proposed to be replaced with white painted timber casework windows. By replacing the existing PVCu windows and reinstating the bricked up window the proposal seeks to remove the harm and reinstate the character of the building therefore meeting the aims of D SP1 and D DM1 of the ALP and Policy H1 of the ANDP. It is also considered that the development would visually integrate with the existing building and be in accordance with D DM4 of the ALP and H1 of the ADNP and is designed to be in scale and keeping with the character of the location and therefore meets the aims of policy LC1 of the ANDP.

RESIDENTIAL AMENITY

The addition of 1 No. additional bedroom is not considered to be an over intensification of the site nor lead to an unacceptable increase in vehicular traffic.

The reinstatement of the bricked-up window is not considered to cause any issues of overlooking and therefore the proposed development is not deemed to give rise to any unacceptable adverse impacts on neighbouring residential amenity in accordance with policy D DM4 of the ALP.

SUMMARY

Although the principal of development outside of the built-up area boundary is generally resisted this proposal is deemed to accord with other policies within both the Arun Local Plan and Aldingbourne Neighbourhood Plan thereby permitting a recommendation for approval in accordance with policies C SP1 of the Arun Local Plan and EH1 of the Aldingbourne Neighbourhood Plan.

Therefore the proposal is deemed to accord with the relevant development policies and as such is recommended for approval 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 respect 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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

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:-

Design & Access Statement October 2018
Heritage Statement October 2018
Drawing 105 Rev P2 Proposed Floor Plans
Drawing 106 Rev P1 Proposed Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.