

Recommendation Report for Planning Permission

REF NO: AL/123/18/PL

LOCATION: Westergate House  
Denmans Lane  
Fontwell  
BN18 0SU

PROPOSAL: Two storey extension to north east elevation to provide an additional 8 No. bedrooms.

## SITE AND SURROUNDINGS

|                            |                                                                                                                                                                                                                                                                         |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | Two storey, pitched roof extension to north of property.                                                                                                                                                                                                                |
| SITE AREA                  | n/a                                                                                                                                                                                                                                                                     |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                     |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                                                                                          |
| BOUNDARY TREATMENT         | Various boundary treatment including wall to road side                                                                                                                                                                                                                  |
| SITE CHARACTERISTICS       | Large detached care home - largely two storey. Listing states:-<br><br>Early C19. Two storeys and attic. Nine windows. Stuccoed. Eaves cornice. Slate roof. Large bay of three windows on both floors towards the west end with lead parapet over. Glazing bars intact. |
| CHARACTER OF LOCALITY      | Rural area                                                                                                                                                                                                                                                              |

## RELEVANT SITE HISTORY

|             |                                                                                                                                                                      |                                  |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AL/124/18/L | Listed building consent for a two storey extension to north east elevation to provide an additional 8 No. bedrooms.                                                  | ApproveConditionally<br>02-01-19 |
| AL/21/12/   | Renewal of unimplemented planning permission<br>AL/13/09/ - Two storey extension to the north east wing providing 8 no. additional bedrooms with en suite facilities | ApproveConditionally<br>16-05-12 |

History noted - listed building consent has recently been granted for the proposal

## REPRESENTATIONS

**REPRESENTATIONS RECEIVED:**

None

**COMMENTS ON REPRESENTATIONS RECEIVED:**

None

|                      |
|----------------------|
| <b>CONSULTATIONS</b> |
|----------------------|

Engineering Services Manager  
Engineers (Drainage)  
Southern Water Planning  
Environmental Health  
Conservation Officer  
WSCC Strategic Planning  
Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No comment

Southern Water - applicant should discuss the matter with Southern Water

Engineers - No objection subject to condition

West Sussex Highways - West Sussex Highways - West Sussex County Council was consulted previously on Highway Matters for this location under planning application nos. AL/21/12 and AL/13/09 for the extension to the north east of the care home to provide an additional 8 bedrooms to which no objections were raised.

The site is accessed via two existing accesses onto Denmans Lane. It is unlikely that this small increase in resident numbers would result in a significant increase in daily vehicle movements or have an impact upon highway safety. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing accesses are operating unsafely or that the addition of 8 bedrooms would exacerbate an existing safety concern.

The current available car parking provision would be adequate to allow both off-street staff and visitor car parking. There is also sufficient space on site for vehicles to turn and exit onto the public highway in a forward gear.

**Conclusion**

The LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted - drainage conditions will be added.

## POLICY CONTEXT

Designation applicable to site:

Outside the built up area

Listed Building

Archaeological interest

## DEVELOPMENT PLAN POLICES

|        |                                                         |
|--------|---------------------------------------------------------|
| 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                                            |
| CSP1   | C SP1 Countryside                                       |
| HDM2   | H DM2 Independent living and care homes                 |
| HERDM1 | HER DM1 Listed Buildings                                |
| TSP1   | T SP1 Transport and Development                         |
| WDM3   | W DM3 Sustainable Urban Drainage Systems                |

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#) Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY LC1 Support independent living

## 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).

## 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 the development by reason of its size, siting and design will not cause demonstrable harm to interests of acknowledged importance namely residential amenity, highway safety, character of the area or the impact on a listed building.

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 these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or 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 application site is located outside the built up area boundary, where the principle of development is not always acceptable subject to accordance with the relevant development plan policies, as stated in CSP1 of the Arun Local Plan.

Policy CSP1 allows development in the countryside which meets any of the six criteria - including f) where development is in accordance with other policies in the plan which refer to a specific use or type of development.

Policy HDM2 allows for extensions to care homes subject to certain criteria.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM1 states the criteria against which listed building applications will be considered - in particular preserving or enhancing the character of the building.

Policy EH1 of the Aldingbourne Neighbourhood Development Plan seeks to restrict development outside the built up area boundary.

Policy LC1 supports extensions to care homes provided the size and scale are in keeping with the character of the location and the impact on amenity are acceptable. This policy will be considered with the planning application.

The NPPF discusses how to deal with heritage issues applications at para 184 - 202. Para 194 states:  
Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

The conservation officer has commented on the previous listed building application:

"The application is a two storey extension which would be visible from the front elevation. The extension would form an extension to a number of previous extensions to the building. As such it is not directly attached to the original listed structure.

I note that the intention is to replicate the existing exterior in terms of appearance and materials. Such an approach is acceptable. However the location of the extension would be problematic and potentially cause harm. Such harm would have to be weighed against the public benefit of the creation of additional accommodation that would meet the needs of local residents to a modern standard. Such a benefit could be considered acceptable... "

Listed Building Consent has been granted for the extension. The impact on the designated heritage asset is acceptable.

To the immediate boundaries of the extension there are no residential neighbours and therefore no harm to residential amenity takes place.

The extension would add to the parking demand generated by the site. However the existing home benefits from a large car park and the additional 8 units is not considered to generate such a demand that it would cause harm to the amenity of the area or have a severe impact on highway safety.

There have been previous approvals for extensions to this part of the building. Whilst the context of planning policy may have changed since the previous approval the proposal due to its size, location and design would not result in demonstrable harm to character or amenity and is acceptable as an extension to the Listed Building and is considered to comply with the policies above.

It is therefore recommended that the application be approved subject to 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:-

2583-hia-zz-xx-dr-a-01003, 2583-hia-zz-dr-a-02003 and 2583-hia-zz-dr-a-04002

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

- 3 The materials and finishes of the external walls, roof and windows of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM4 of the Arun Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to

be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5      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.
- 6      INFORMATIVE: please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.