

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

REF NO: AL/2/14/

LOCATION: Letterbox Cottage
Norton Lane
Aldingbourne

PROPOSAL: Replacement detached garage (resubmission following AL/44/13/). This application affects the setting of the Aldingbourne, Church Road Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks planning consent for the demolition of an existing detached garage/workshop and the erection of a new detached double garage.

The existing garage measures 4.6m by 5.3m with a mono pitch roof to a height of 2.5m. The proposed building is larger at 6.2m by 5.5m with a height of 2.3m to the eaves and 4.9m to the pitch. The existing building had a footprint of approximately 24m² whereas the new building is 34.1m². Materials are to match the existing house and garden walls.

SITE AREA 0.1403ha

TOPOGRAPHY Predominantly flat

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT The boundary in front of the cottage is a low brick and flint wall with a simple post and rail trellis. This then gains in height on the other side of the gate access to around 1.8m. This wall then turns to the east and then again to the north (starting from the edge of the existing garage) thus enclosing the gravel courtyard/parking area.

SITE CHARACTERISTICS This is a Grade II listed cottage constructed from brick and flint, painted cream with a hipped clay tiled roof and a cat slide roof to the north and east. The garage is located within the enclosed gravelled courtyard. To the east, there is a large garden.

CHARACTER OF LOCALITY This is a predominantly rural area but with linear residential development located alongside Norton Lane comprising of cottages, converted farm buildings and detached dwellings.

RELEVANT SITE HISTORY

AL/2/14/

AL/120/03/L	Listed Building Consent for two storey extension to rear of cottage to form kitchen & additional bedroom	Withdrawn 19-01-2004
AL/119/03/	Two storey extension to rear of cottage	Withdrawn 19-01-2004
AL/40/04/L	Application for Listed Building consent for demolition of existing single storey extension and construction of new single storey extension. Enlarging existing kitchen.	ApproveConditionally 08-06-2004
AL/99/12/L	Application for Listed Building Consent for demolition of existing detached garage and erection of replacement detached garage building.	LBC Not Required 13-09-2012
AL/98/12/	Demolition of existing detached garage and erection of replacement detached garage building.	Refused 15-11-2012
AL/109/12/L	Application for Listed Building Consent for demolition of existing detached garage and erection of replacement detached garage building.	Refused 15-11-2012
AL/44/13/	Demolition of existing garage and erection of new detached garage building (resubmission following AL/98/12/). This affects the setting of the Aldingbourne, Church Road Conservation Area.	Refused 09-08-2013
AL/45/13/L	Application for listed building consent for the demolition of existing garage and erection of new detached garage building (resubmission following AL/109/12/L)	Refused 09-08-2013

Planning Refs AL/98/12 & AL/44/13/ (and the corresponding listed building consents; AL/109/12L & AL/45/13/L) previously sought consent for the demolition of the existing garage and replacement with a new garage and workshop.

The first scheme resulted in the loss of a section of the historic wall and also encroached on the historically undeveloped garden land to the rear. The proposed building was to be a purely timber construction, uncharacteristic of the Conservation Area. The scale of the building was also such that it was considered to compete with the footprint of the main dwelling.

The second application, AL/44/13 was revised to take account of the concerns but was also refused principally because the design of the garage with workshop traversed the line of the existing masonry wall and was considered to be incongruous particularly given the timber elements proposed. No Listed Building Consent has been submitted this time around.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council: no response recieved.

Comments on Representations received:

It is noted that the Parish Council previously raised an objection to the demolition of the existing garage.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Historic Buildings Advisor: "No Objection. Whilst there is no objection to this scheme, it would have been useful to see a streetscape elevation showing the proposed garage and cottage together. Drawings of the garage in isolation do not assist with the assessment of the setting of the listed building, or its impact on the Conservation Area more generally. Please condition the following: (a) Sample panel of walling; (b) Details of windows and doors, including finish (please note that stained timber will not be acceptable); and (c) Sample of tile (this should be hand-made, or of similar quality)"

Conservation Area Advisory Committee: no objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Grade II listed building;
Conservation Area;
Special Control Adverts;
Outside built up area boundary;
Class C road; and
Drainage Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3 GEN7 AREA2	Protection of the Countryside The Form of New Development Conservation Areas
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Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	C SP1 Countryside D DM1 Aspects of Form and Quality HER DM1 Listed Buildings HER DM3 Conservation Areas
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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."

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 and appearance of that area.

The proposal is considered to comply with these criteria in that it does not materially affect the character or the setting of the Grade II Listed Building and it is not considered to have an impact on the character or 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

Letterbox Cottage is Grade II listed and is located outside the built up area in the Norton Lane Conservation Area. Given the Cottage's listed status, any alterations should protect and enhance the special historic and architectural character of the building, and preserve its setting.

DESIGN AND VISUAL AMENITY

The design of the replacement garage building has been amended since the previous application to take account of previous concerns. It is now to use materials to match the existing cottage/garden walls. The previously proposed feather edge boarding has been removed from the scheme.

Unlike the previous schemes, the building is now much smaller (down from 51.6m² to 34.1m²) and does not traverse the line of the existing masonry wall (or damage it as the first application did). The existing vehicular access into the gravel parking forecourt will be unaltered.

Paragraph 17 of the National Planning Policy Framework seeks to ensure high quality design and to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. The character of the Conservation Area is a rural settlement with street fronted properties and an informal layout. Spacing between buildings is important, as is the brick and flint boundary walling of various height.

It is clear from the response of the Historic Buildings Advisor that the proposal is now considered to be acceptable subject to conditions on the materials and finishes.

RESIDENTIAL AMENITY

With regard to residential amenity, owing to the proposed siting of the garage in the same position (albeit larger) as well the existing boundary trees, there is not considered to be any adverse impact on the residential amenities of neighbouring properties to the south at Oak Cottage.

FLOOD RISK

The site is located close to but not within an area of land designated as Flood Zone 2. Nevertheless, the construction will be robust and resilient to flood damage with a solid concrete floor and masonry walls.

CONCLUSIONS

This third application has taken on board the concerns raised previously by the Councils Historic Buildings Adviser and is now considered to be acceptable subject to the conditions set out below.

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: Existing Plans and Elevations - 2012/30/03; Block Plan and Location Plan - 2012/30/01 Rev B; and Proposed Plans and Elevations - 2012/30/05 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and AREA2 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials & finishes and samples of such materials & finishes to be used for the external walls and the roof of the proposed garage have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the new garage building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the Conservation Area and setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

- 4 No development shall take place unless and until details of all windows and doors including their materials & finish have been submitted to and approved by the Local

Planning Authority and the new joinery shall be constructed in accordance with approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies GEN7 and AREA2 of the Arun District Local Plan.

- 5 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.