

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

REF NO: AL/35/12/

LOCATION: Rush Cottage
Nyton Road
Westergate

PROPOSAL: Removal of sun room & garage & part removal of side extension. New side, rear & front extensions. Internal & external alterations, new garage, pitched roof over existing garage, associated external works (re-submission of AL/109/11/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for new extensions to the side and rear and the further extension of the existing front extension, new boundary treatment. The construction of a new garage and conversion of existing garage into a shed. The erection of new gates.
SITE AREA	0.1395 hectares approximately.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing and hedging.
SITE CHARACTERISTICS	Thatched cottage in state of disrepair currently being restored. Central gable brick. To side single storey brick and tiled roof. The front has a single storey side extension which is out of keeping with the character of the building which is brick with a tiled roof and rooflights. Central chimney. Timber framed interior. Rear and flint pantiles.
CHARACTER OF LOCALITY	Semi rural with housing surrounding the property.

RELEVANT SITE HISTORY

AL/109/11/	Removal of sun room & garage, part removal of side extension. Side, rear & front extensions, internal & external alterations, new garage, pitched roof over existing garage & associated external works	Refused 09-02-2012
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REPRESENTATIONS

Representations received:
Aldingbourne Parish Council:

Awaited

Others:
None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Listed Building Grade II

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
PPS5	Historic Environment Planning Practice Guide

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.

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 proposed alterations and extensions would have no materially adverse effect on the visual amenities of the locality or the residential amenities of adjoining properties, nor would it have an adverse impact upon the established character and surrounding 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:

The building is a Grade II Listed Building and therefore any proposal must not detract from the special architectural and historic quality of the building. The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria such as visual and residential amenity. The application is also subject to a separate Listed Building application ref. AL/36/12/L.

VISUAL IMPACT AND EFFECTS ON THE SETTING OF THE LISTED BUILDING:

It is proposed to part demolish a modern side extension and to extend by 2m for a ground floor bedroom a rear single storey extension and to partially remove the front extension and extend its depth to the front by 1m, and a 1m rear extension of 4m x 3.6m to extend the kitchen. This will provide a 5 bedroom house with kitchen, living room, dining room, utility room and snug. The existing dwelling has three bedrooms. It is recognised that the existing building has had some alterations which are not sympathetic to the special architectural quality of this Listed Building. It is considered that the proposed front extension is a slight improvement on the existing.

The pitched roof proposed over the existing garage and proposed use as a shed/store is acceptable. As is the proposed double garage which is barn style which is considered to be appropriate. The extension to the wall is considered to be acceptable.

RESIDENTIAL AMENITY:

The dwelling is not in close proximity to any dwelling and therefore it is considered that the proposals would not result in any direct overlooking or overshadowing of any neighbouring properties.

SUMMARY:

The proposed alterations to the building will ensure the stability of this cottage that has been left empty for many years. These alterations are considered to be visually acceptable and the proposed extensions will not cause any nuisance to neighbours therefore it is recommended that the application is approved with the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 none of the following impacts (negative, Neutral or positive) 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

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 drawing numbers 616/SK01 REV 7, 616/SK07 REV 07, 616/SK02 REV 07, 616/SK03 REV 07, 616/SK08 REV 07, 616/SK05 REV 11, 616/SK04 REV 09,

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

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for all elements of the works hereby approved have been submitted to and agreed in writing by the Local Planning Authority (LPA). The development shall take place strictly in accordance with these agreed details unless the LPA gives its written consent to any variation.

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

- 4 No development shall take place unless and until details of the structural calculations for the proposed boundary wall have been submitted to and approved by the Local Planning Authority, and the boundary wall shall be constructed in accordance with such approved details.

Reason: In the interests of public safety in accordance with policy GEN7 of the Arun District Local Plan.

- 5 At all times during the progress of the work hereby approved adequate measures shall be taken to protect the remaining part of the Listed Building from collapse and/or structural damage.

Reason: To preserve the character and appearance of the Listed Building in accordance with policies in the National Planning Policy Framework and PPS5 Historic Environment Planning Practice Guide.

6 **INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010**

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN12

NATIONAL PLANNING POLICY FRAMEWORK

PPS5 HISTORIC ENVIRONMENT PLANNING PRACTICE GUIDE

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.