

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

REF NO: AL/37/18/HH

LOCATION: Easter Cottage
Old Dairy Lane
Norton
Aldingbourne

PROPOSAL: Orangery to rear elevation. This application affects the character & appearance of the Norton Lane, Norton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to erect an orangery to the rear of the the existing dwelling. It measures 6m in width, 3.7m in depth, 2.4m eaves height with a maximum height of 3.3m. An application of this nature is necessary as a result of the Permitted Development Restriction, imposed in 2008.
SITE AREA	Approx. 406.1sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered by 2m high close board fencing.
SITE CHARACTERISTICS	The site is populated by a barn conversion.
CHARACTER OF LOCALITY	The area is rural in character, however, is populated by a mix of housing styles and types.

RELEVANT SITE HISTORY

AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-09
AL/130/17/PL	Removal of Condition following a grant of planning permission AL/92/08 relating to Conditions 10 - use of individual holiday lets for up to and no more than 28 consecutive nights. This application may affect the character & appearance of the Norton Lane Conservation Area and is a Departure from the Development Plan.	ApproveConditionally 14-03-18
AL/112/17/PL	Continuance of use without compliance with condition 10	

imposed under AL/92/08/ relating to use.

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Parish Council - Objection - The Parish Council do not believe that the design of the proposal is in keeping with the Conservation Area.

CAAC - No objection.

Objection from nearby occupier - The proposed development is contrary to the restrictive covenants, as stated on the Land Registry documentation.

Support from the applicant - Notes that the restrictive covenants of the land do not have bearing to the Planning Application. They later state that they believe that the design of the proposal does nothing from the conservation area, with no design element.

Support from nearby occupier - States that the proposed development will create them no disturbance and that its quality specification is in keeping with the area. Also that the proposal will provide the occupier with additional summer living space.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted, the majority of comments will be responded to in the conclusion section. However, it is stated that the restrictive covenants of the land are not a planning consideration.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Southern Water - Southern Water request that an informative be added to the application relating to the connection of the development to the public sewer.

Council's Drainage Engineers - Apply ENGD2A.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. However, as a result of the modest scale of the proposal (this could normally be done under Permitted Development rights) it is not considered necessary to apply condition ENGD2A.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Outside of built-up area boundary

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
DEV19	Extensions to existing residential buildings
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

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

HER DM3	Conservation Areas
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#)

Aldingbourne Neighbourhood Plan 2016 POLICY EH9 Resist development outside Conservation Area

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Aldingbourne Parish has a 'made' neighbourhood development plan, of which policies H1 and EH9 are considered to be relevant to this application.

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 application site is situated outside of the built up area boundary as defined by GEN2 of the Arun District Council Local Plan. The proposal is for an extension to an existing dwelling. Therefore, the proposal is considered to comply with GEN3 of the Arun District Council Local Plan, which seeks to protect the countryside "for its own sake". This is because, the proposal is in accordance with DEV19 of the Arun District Council Local Plan. Development can be in accordance with GEN3 if it refers to a specific use or type of development that is covered by another policy (as this development is in accordance with DEV19). In this case, the key policy considerations are deemed to be GEN7 and DEV19 of the Arun District Council Local Plan, D DM1 & D DM4 of the Emerging Local Plan and policies H1 and EH9 of the Aldingbourne Neighbourhood Development Plan.

Resultantly, the proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are 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 situated outside of the built up area boundary as defined by GEN2 of the Arun

District Council Local Plan. The proposal is for alterations to an existing dwelling. However, it is considered that the proposal is in conflict with GEN3 of the Arun District Council Local Plan, which seeks to protect the countryside "for its own sake". However, the proposal is in accordance with C SP1 of the Emerging Local Plan, as it is in accordance with D DM4 of this plan. Development can be in accordance with C SP1 if it refers to a specific use or type of development that is covered by another policy (as this development is in accordance with D DM4). In this case, the key policy considerations are deemed to be GEN7 of the Arun District Council Local Plan, D DM1 & D DM4 of the Emerging Local Plan and H1 and EH9 of the Aldingbourne Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

Due to the siting of the proposal, found at the rear, the majority of the extension is not visible from the street scene. The proposal sits 7m from the rear boundary of the site, of which is bordered by a 2m high fence. The views of the development from the street scene will be predominantly of its roof, of which is of a light construction and therefore is not deemed to have an unacceptably adverse impact on the established spatial pattern of the locality. The proposal is deemed to be subservient to the host dwelling due to its modest scale, and therefore retains the established character of the dwelling, and the visual amenity of the area.

When discussed with the Council's Conservation Officer, it was considered that the proposal has a neutral impact on the conservation area or its setting, as it preserves its characteristics. This is due to a multitude of reasons. The border of the conservation area falls at the existing rear wall of the dwelling, and therefore the extension can only be assessed on its impact on the setting of the Conservation Area. The proposed materials are considered to be in keeping with the established character of the Conservation Area as they will be conditioned to match the existing dwelling.

The proposed development is considered to be in accordance with AREA2, GEN7(ii) and DEV19 of the Arun District Council Local Plan. Additionally, it is deemed to be in keeping with H1 and EH9 of the Aldingbourne Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed extension is not considered to give rise to any significantly adverse impact on the neighbouring dwellings. The proposed extension sits at 3.3m high which is 2.7m lower than the existing dwelling. As a result of both this separation distance and the intervening fencing, it is considered that the proposal has no significant impact on overbearing or overshadowing at adjacent dwellings. Whilst the proposal features new openings, it is not considered that any of these constitute a change in loss of privacy to occupiers of adjacent dwellings, as there is intervening fencing. Additionally, due to the single storey nature of the development, these views would be no different to those available from the garden at current.

The proposed development is considered to be in accordance with GEN7(iv) and DEV19(iii) of the Arun District Council Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan 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

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:

- Block Plan - March 30, 2018
- EXISTING ELEVATION - Chapman Page 4

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

- 3 The materials and finishes of the external walls of the development hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Southern House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- 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.