

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

REF NO: **AW/137/17/HH**

LOCATION: 16 The Fairway
Aldwick

PROPOSAL: Single storey extensions for bedsitting room. This application affects the character & appearance of Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Single storey side extension with projection to front. Half hipped barn style roof facing to front with tile roof and timber on forward facing part of roof to match main house. It will be used as a bed sit for an elderly relative, like a granny annexe but without separate kitchen facilities. The use would enable the residents of the dwelling to care for their relatives.

A smaller single storey link extension to the opposite side of the front elevation was omitted following the request of the case officer after conservation officer objection.

SITE AREA

0.13 hectares.

TOPOGRAPHY

Predominantly flat

TREES

The small trees to be removed are not considered to be on the east side boundary are not considered to add significantly to the amenity of the street and their loss will not have a detrimental impact.

BOUNDARY TREATMENT

Trees to sides and various vegetation, small dry stone wall to front with planting.

SITE CHARACTERISTICS

Detached two storey dwelling with thatched roof and black timber clad to upper floors, garage to side. Driveway to front and garden to rear.

CHARACTER OF LOCALITY

Seaside private residential estate formed of detached two storey dwellings, set back from the road.

RELEVANT SITE HISTORY

AW/174/10/ Rear single storey extension, front extension ApproveConditionally

to form porch and garage extension.

06-10-2010

None relevant.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

Members hoped that the Planning Officer would take into account the fact that the proposed utility room between the garage and the dwelling could be in contravention of Policy Area 2 within a 'Conservation Area' as it could clutter the front elevation of the building and diminish its architectural style.

Letter of representation from the Aldwick Bay Company (Estate management company).
This states:-

- 1) No objection to plan size of proposals,
- 2) The front elevation utility room extension roof form is bland and utilitarian and detracts from the street scene
- 3) Materials to match are supported
- 4) Appropriate to include a new dedicated bin store area so bins can be stored away from view
- 5) A palm tree may be affected

Comments on Representations received:

Comments noted.

The small extension to front has now been omitted from the proposal. It is considered unreasonable to request a further bin store as the application is for one more room, albeit for bedsitting an elderly relative. New bins stores are usually only required for new dwellings. The loss of the palm and other small trees on the boundary is considered acceptable as they are too immature to add significantly to the visual amenity of the street scene within the conservation area.

CONSULTATIONS

Conservation Officer

Consultations responses received:

CAAC- Objection. Both extensions are unsuitable and damaging to the appearance of the property and street scene.

Conservation Officer

The dwelling fronts the southern side of The Fairway, in the Aldwick Bay Conservation Area and it has a strong presence in the streetscene.

From the conservation perspective, it is rarely considered appropriate to significantly alter the principal elevation of a building within a designated area. Distinctive architectural qualities are likely to be obscured and the building's special contribution to local character diminished. Additions which protrude forward of the front building line are also usually resisted as harmful to

locally distinctive spatial characteristics.

However in this case, the single storey addition abutting the eastern boundary conceals a previous addition of unsympathetic appearance and it achieves a balanced relationship with the neighbouring built form. This element of the proposal thus causes no harm to the special qualities of the host building, or to those of the surrounding conservation area, and there is no objection in terms of Conservation Policy.

As described above, front additions which diminish the aesthetic of the host building are rarely acceptable. The proposed addition between the dwelling and the garage is a visually intrusive element which clutters the principal elevation of the building and diminishes its distinctive architectural style.

The importance of sustaining and enhancing the significance of heritage assets, while keeping them in viable and appropriate uses, is emphasised throughout section 12 of the NPPF and para. 132 requires great weight to be given to their conservation.

Subject to the omission of the addition between the garage and the dwelling, the proposal will cause no harm to the significance of the conservation area and there is no other objection in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policy HER DM3.

Comments on Consultation responses:

Comments noted.

The small link front extension has now been omitted front the scheme. The officer agrees with the comments of the conservation officer regarding the main extension to the east and north of the building which are at odds with the comments of CAAC.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA2](#)
[DEV19](#)
[GEN2](#)
[GEN7](#)

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

Conservation Areas
Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
HER DM3 Conservation Areas
HER SP1 The Historic Environment
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD10

Aldwick Parish Design Statement

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Aldwick Parish does not have a made and is not preparing a NDP but does have a Parish Design Statement which is a material consideration to the 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 proposal is considered to comply with relevant Development Plan policies in that it would preserve the visual amenities of the locality or harm the residential amenities of the adjoining properties, it would preserve the established character of the 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

DESIGN AND IMPACT ON CONSERVATION AREA

The extension to the side is considered to respect the character of the existing house. It would be subservient and have timber cladding and roof tiles and white painted brick walls to match existing. Given the extension would hide the rear extension which is not of any architectural merit it is considered to preserve the appearance of the conservation area and house overall. Materials to match will be ensured via condition. The development is considered acceptable in term of impact on visual amenity and the conservation area in line with AREA 1 of the Aldwick Parish Design Statement.

RESIDENTIAL AMENITY

The extension would be adjacent to the solid wall of number 15 The Fariway's garage, mitigating any potential significant impact. Thus it will have a limited impact on neighbouring residential amenity and no other neighbouring dwellings would be directly affected.

TREES

It is noted that three immature trees will be removed on the east boundary of the site. These are not considered to add significantly to the visual amenity of the area they are too small and immature. As such so their loss if not considered important for the preservation of visual amenity.

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

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:-

Location Plan/Site Plan REV- A
Proposed ground floor plan (1/100) REV - D
Proposed ground floor plan (1/50) REV- E
Proposed elevations REV - D
Proposed roof plan REV - A

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 and roof of the extension 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:** 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 5 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 6 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.