

Recommendation Report for Planning Permission

REF NO: AW/183/21/PL

LOCATION: 36 Kingsway
Aldwick
PO21 4DH

PROPOSAL: Variation of condition imposed under AW/71/18/HH relating to condition 2-approved plans. This application affects the character & appearance of the Craigweil House Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE CHARACTERISTICS	Large corner plot with attractive, detached two storey property, set back from the road with driveway and detached garage to front and rear respectively. Large garden to rear and, in part to side. Driveway to front of garage and two existing pedestrian gates, one on the front and one on the side.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area also designated as an Area of Special Character. Private residential estate comprising detached properties of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

AW/346/18/T	Crown reduction of 2 - 2.5m to 1 No. Oak tree. Crown reduction of 3m to 1 No. Oak tree.	ApproveConditionally 23-01-19
AW/300/18/TC	Fell 1No. Field maple Tree within the Craigweil House, Aldwick Conservation area.	No Objection 18-12-18
AW/71/18/HH	Demolition of existing ground floor extensions to front of property, construction of a single storey rear extension & reworking of existing external hard & soft landscaping including new vehicular access onto Kingsway. This application affects the character & appearance of the Craigweil House Conservation Area.	ApproveConditionally 08-08-18
PAA/201/17/	Demolition of existing ground floor extension to front of property; construction of small ground floor extension to	Approve Pre App 16-01-18

rear of property; amendments to vehicular & pedestrian entrances; amendments to hard landscaping & site boundary treatments.

PAA/30/17/	Replacement ground floor extension; amendment to existing south elevation; amendments to entrances to application site. Amendments to previously withdrawn application AW/144/16/HH.	Refuse Pre App 08-03-17
------------	--	----------------------------

Pre-application advice was given in respect of this proposal in January 2018 at which time it was concluded that "were an application for planning permission to be submitted then providing that the front pedestrian gate is retained and that the Councils Tree Officer has no objections with respect to impact on trees, then the proposal would likely be approved."

Application AW/144/16/HH had been withdrawn following objection by the Councils Tree Officer.

This scheme was approved under AW/71/18/HH.

REPRESENTATIONS

Aldwick Parish Council:
No objection

One letter of rep explaining the land ownership is incorrect.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:
The Proposal

The application requests a variation of condition imposed under application AW/71/18/HH (condition number 2) which identifies the approved plans. It would have helped to be able to understand how the revised plans differed from the previously approved ones. However, I have now taken the time to do this and note that the revision appears to relate to an amendment to the eastern elevation. This amendment relates to the construction of a larger extension which would extend beyond the eastern elevation.

The proposed extension would be fairly small in scale and has been designed to reflect both the existing building and previously approved plans. Whilst the materials appear to match the existing, it would help to make sure that the windows/doors are appropriate for the attractive building. On balance, I am of the opinion that the proposal will not cause harm.

Conclusion

The application is considered to not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Tree Preservation Orders

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

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
ENVDM4	ENV DM4 Protection of trees
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

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.

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 is not considered

to have any significantly harmful impact upon the character of the locality or the residential amenities of the neighbouring dwellings.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application concerns external work to extend a permission previously granted under AW/71/18/PL

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, because the building is significant located within the conservation area proposals should protect the setting of these buildings.

Para 192 requires us to take account of other factors. It is considered there are no other factors to outweigh the above consideration.

Following comments from the Conservation officer it is not considered the proposal would harm the significance of the heritage asset and as a result is in accordance with HER DM1 and HERSP1, in that it is considered to protect and enhance the special historic and architectural character of the building.

Amenity and Design issues

The changes in the plans have a limited impact on the scheme as a whole and the amenity/design issues considered in the last application remain the same. Since that time the LPA have adopted a design guide. The scheme is well designed in a sensitive area and complies with the principles in the guide.

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

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 approved shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan Rev K
 - Site and Location Plan Rev E
 - Existing Site Plan Rev E
 - Proposed West Elevation C0019-P212 Rev C
 - Proposed Ground Floor Plan C0019-P111 Rev F
 - Proposed East Elevation C0019-P216 Rev D
 - Proposed Section C0019-P218 Rev A
 - Proposed First Floor Plan C0019-P112 Rev C
 - Proposed North Elevation and Context C0019-P125 Rev H
 - Proposed South Elevation C0019-P211 Rev C
 - Proposed East Elevation C0019-P214 Rev C
 - Proposed North Elevation C0019-P213 Rev C

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.
- 2 **INFORMATIVE:** This permission relates to the variation of condition 2 of planning permission AW/71/18/HH only. The applicant is advised and reminded that the planning conditions (including time limit) attached to the original planning permission number AW/71/18/HH remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 3 **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.