

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

REF NO: **AW/238/12/**

LOCATION: Kingsgate
 49 The Drive
 Aldwick

PROPOSAL: Change surface finish of drive and path

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks consent to change the surface finish of the driveway and path.
SITE AREA	Approximately 670 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Gradual decline towards north.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary is a 1 metre high white render wall with light brick pillars and black brick edging to top of wall.
SITE CHARACTERISTICS	Modern, detached bungalow with tiled, hip roof, white rendered elevations and red brick quoins. Side integral double garage and double fronted bay window.
CHARACTER OF LOCALITY	Craigweil House Conservation Area. Private residential estate of detached two storey dwellings and bungalows of various character and design. The eastern end of The Drive is predominantly detached modern bungalows and dwellings.

RELEVANT SITE HISTORY

AW/165/03/T	Fell 4 White Poplar trees, plus stump and root removal	Approve Conditionally 08-10-2003
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REPRESENTATIONS

Representations received:

Aldwick Parish Council
No objection.

1 letter of Objection from CHECAA:-

- material appears to be reconstituted stone and not genuine slate;
- solid block paving out of keeping with existing paving in the area;

- not persuaded that paving will enhance or preserve existing established character of the area or make a positive contribution to it;
- black paving of any kind will have a similar incongruous effect on the area.

Comments on Representations received:

Comments noted. The proposed replacement hardstanding is black coloured limestone. The immediate locale is characterised by a variety of driveways and surfacing materials, such as shingle, resin bonded gravel, black tarmac, brown and grey pavements. There is no single distinctive surface material at the eastern end of The Drive in the Craigweil House Conservation Area.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer: The proposal is for a replacement surface material to an area which provides both driveway and pedestrian access. I note that the area to be covered is exactly the same as that covered by the existing material. The area is fairly substantial and any proposal will potentially have an impact on the locality.

The area contains a mixture of surface treatments in both the individual private properties and within the estate as a whole.

The carriage way material consists of roll top tarmac which is very dark. This helps to define the public from the private. However, saying that, the various private driveways are, in some circumstances, fairly dark. The proposed paving material would in this context not be too obtrusive.

Is it possible to confirm the material to be used; is it slate or a material dressed to look as though it is slate?

However, as the proposal currently stands, it does not enhance the conservation area, but it can not really be said to detract from it either.

Comments on Consultation responses:

Comments noted. The material is black coloured limestone.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Tree Preservation Order

Article 4 Direction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)

[GEN2](#)

[AREA2](#)

[AREA1](#)

The Form of New Development

Built-up Area Boundary

Conservation Areas

Areas of Special Character

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed

particularly with regard to the character and appearance of the Conservation Area.

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 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.

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 or appearance of that area.

The proposal is considered to comply with these criteria in that it is considered to preserve the character 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

Craigweil House Conservation Area is subject to an Article 4 Direction, which was adopted by the Council on 30 November 2010. The Article 4 Direction brings under the control of the Local Planning Authority the development of verges and the extent to which hardstandings may be undertaken to the front gardens of properties within the Conservation Area. This means that where hardstandings are proposed in the Craigweil Conservation Area, a planning application is required where normally planning legislation allows hardstandings without the need to obtain planning permission.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

The property is located at the eastern end of the The Drive, which has historical importance (King George the Fifth (accompanied by Queen Mary) spent time in 1929 recuperating from a serious illness at Craigweil House). The Clock House, formerly the Royal Stables of Craigweil Manor, is now 5 dwellings. The eastern end of The Drive opens up and trees become more dispersed and the grass verges widen. Dwellings and bungalows are of modern design and character.

It is proposed to re-surface the driveway and path to the front and side of the property at no. 49 The Drive, owing to the failure of the original surface material. The amount of hardstanding is limited to the existing path and driveways in the front garden. The replacement hardstanding will be black coloured limestone flag stones. Lawned areas will be retained to the front and side of the driveway and path, and a grass verge will be retained to the road.

The front boundary comprises a low, white rendered boundary wall with black brick edging. The driveway is clearly visible from The Drive and the replacement surface material will therefore be visible from the streetscene.

The immediate locale is characterised by a variety of driveways and surfacing materials, such as shingle, resin bonded gravel, black tarmac, brown and grey pavements. There is no single distinctive surface material at the eastern end of The Drive in the Craigweil House Conservation Area. The surface material will be darker than the existing, but given the variety of surface materials and treatments at this end of the Conservation Area, and the scale of the hardstanding that is limited to the existing, the proposal is considered to preserve the character and appearance of the Conservation Area. Further, with time, the surface material will weather and fade to a steel grey colour.

SUMMARY

In summary, the existing path and drive will not be increased in coverage. The proposed surface material of black slate style slabs is considered to preserve the character of the Conservation Area. It is therefore recommended that consent is granted, subject to the conditions summarised below.

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 to 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 (Neutral) 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: Site Location Plan, Block Plan, received on 15 November 2012.

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

- 3 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 the surrounding Conservation Area area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2, AREA2

NATIONAL POLICIES: National Planning Policy Framework (2012)

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

- 4 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.