

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

REF NO: **AW/277/17/HH**

LOCATION: Kingslea
 21 Kingsway
 Aldwick

PROPOSAL: Rear extension. This application affects the Character & Appearance of the Aldwick (Craigweil House) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application proposes the erection of a 4m deep by 4.6m wide two storey rear extension to this dwelling which would be set beside an existing single storey rear extension element. This will have a rear gable and be constructed of materials that are similar/match those of the existing dwelling. There will also be a small canopy to the rear of the extension which will appear as an extension of the existing ground floor extension roof across the rear of the new extension. This will be supported on oak beams and partially cover a limited area of new decking. The extension will enable provision of a 5th bedroom and a family room. No side windows are proposed.

SITE AREA

0.11 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

TPO'd trees and other trees within the Conservation Area are not affected by the development proposal. There are also no trees of any significance in the area where the development is proposed.

BOUNDARY TREATMENT

1.8m to 2m wooden panel fencing to sides and rear, with some planting in places adjoining.

SITE CHARACTERISTICS

The site is occupied by a large detached dwelling. The dwelling enjoys good separation from adjoining dwellings and is within an area of mixed house types and materials. The adjoining dwelling to the north west has a similar two storey projection to that proposed in this application.

CHARACTER OF LOCALITY

Coastal, residential location characterised by large detached, two storey dwellings set back

from the road in a mature landscaped setting.

RELEVANT SITE HISTORY

AW/51/97	Single storey rear kitchen and study extension	ApproveConditionally 05-06-1997
AW/319/07/T	Lop one Monkey Puzzle tree	Refused 06-05-2008
AW/212/15/T	Lop 10 No. branches back to the base & deadwood 1 No. Monkey Puzzle tree.	Refused 08-10-2015
AW/202/16/T	Fell 1 No. Monkey Puzzle tree	ApproveConditionally 02-09-2016
BR/156/61	Car port	ApproveConditionally 07-11-1961
BR/115/66	Fell trees	Approve 02-12-1966
BR/182/85/T	To fell 5 Macrocarpa trees and one to be lopped	ApproveConditionally 17-04-1985

Site history noted.

Condition no.2 on AW/202/16/T has not been discharged by the submission of the details required and a replacement does not appear to have been planted. The condition requirements are as follows:

The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant a replacement tree of a species and maturity and in a position to be first submitted to and approved by the Local Planning Authority and under its supervision. In the event that any such tree dies within five years following such planting it shall be replaced by a similar tree in a similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

REPRESENTATIONS

Representations received:

The Craigweil House & Environs Conservation Area Association (CHECAA) has objected on the grounds that condition no.2 on AW/202/16/T has not been discharged by the submission of the details required and a replacement does not appear to have been planted and on the grounds that the proposed development might prejudice the land available for replanting where it might be considered appropriate.

Comments on Representations received:

Regarding the CHECAA objection, this matter is being investigated by the Councils compliance team with a view to securing the required replacement tree. The development as proposed will leave a depth of 27m and a width of 19m available to the rear of the dwelling and replanting would not therefore be prejudiced since more than adequate land remains to plant a replacement a suitable distance from the extended dwelling. Replacement planting could also take place to the front of the dwelling. There are therefore no grounds to withhold planning permission on the grounds suggested.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Aldwick Parish Council has not commented.

The Conservation Area Advisory Committee raises no objection.

The Councils Conservation Officer has not commented, but given the location of the extension it is not considered that there is harm to the character and appearance of the Conservation Area.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Article 4 direction

Area of Special Character

Conservation Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA1](#)
[AREA2](#)
[GEN2](#)
[GEN7](#)

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

Areas of Special Character
Conservation Areas
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design
QE SP1 Quality of the Environment
HER DM4 Areas of Special Character
HER SP1 The Historic Environment
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD10
SPD2

Aldwick Parish Design Statement
Conservation Areas

SPD2A

Craigweil House, Aldwick, Conservation Area
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 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. 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).

There is no Made Neighbourhood Development Plan for Aldwick. Aldwick Village Design Statement (AVDS) has however been prepared and adopted for the purposes of Development Management and is therefore a material consideration.

The AVDS refers to the area within which the site is located as Area 2, Craigweil House Estate and contains the following of relevance:

Main Streets:

The Drive, Kingsway, Queensway, Wychwood Walk, Wychwood Close, the east side of Barrack Lane and Craigweil Manor.

Main Characteristics

- Quality properties which range in size from three to eight bedroom detached houses.
- The mature trees on the estate are a public amenity.
- Open verges and tree-lined roads.
- Large imposing classic houses, some backing onto the sea.
- Coastguards Shopping Parade was built at the same time as the Craigweil House Conservation Area.

Guidelines for future development:

Development should not be permitted unless the construction, layout, scale, appearance and landscaping preserves or enhances the character or appearance of the conservation area.

Extensions to Existing Residential Buildings:

- In conformity with the Arun District Local Plan residents are strenuously advised that when applying for permission to extend their properties, they conform to the following criteria:
- The extension should be visually subservient to the main building and must sympathetically relate to and be visually integrated with, the existing building in siting, design, form, scale and materials.
- The extension should not compromise the established spatial character and pattern of the street scene or have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.
- Strict control should be exercised over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof re- design should be sympathetic and in keeping with the character of existing properties.
- Materials matching the existing building should be used where appropriate.
- In streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level should not come to within a minimum of one metre of the side boundary.
- Applications should try to prevent the enclosure of verges.
- Applications should try to prevent the removal of important elements and features of a building which make a positive contribution to its character.

The aim is to ensure that any development within the Craigweil House Conservation Area must reflect these policies to ensure that a consistent approach is taken to the approval of all applications. If developments are permitted that do not meet these criteria the cumulative effect will alter the character of the locality to the serious detriment of the amenities of the area in conflict with the policies set out above.

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.

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 site is located with the boundary of the built up area and as such there can be no objection to the principle of development subject to compliance/consistency with the policies and all other material considerations.

DESIGN AND VISUAL AMENITY

This extension is sympathetically designed and is considered not to be intrusive visually. Whilst not subservient in terms of height, the extension has a very much secondary appearance due to its limited width and therefore is subservient in this respect. The materials proposed are sympathetic and are considered to be acceptable,

Overall the development is considered to preserve the character and appearance of the dwelling and Conservation Area in compliance with saved policies AREA2 and GEN7 and the requirements of Area 2 of the Aldwick Parish Design Statement. The proposal is also consistent with policies in the Emerging Local Plan and with National Policy/Guidance.

RESIDENTIAL AMENITY

The development is modest in character and is considered to have a very limited, if any, impact in terms of the residential amenities of neighbouring dwellings and the host property in compliance with saved policy GEN7 of the Arun District Local Plan. The proposal is also consistent with policies in the Emerging Local Plan and with National Policy/Guidance

GENERAL

Parking provision at the site is in excess of 4 car spaces and capable of accommodating parking in accord with Council Standards.

The issue of securing the replacement tree referred to earlier in this report is a separate consideration and is being pursued. As outlined, the proposed extension will not prejudice the provision of a replacement tree.

CONCLUSIONS

The proposed development is in accord with the Development Plan and acceptable in terms of other material considerations. It does not give rise to harm to the Conservation Area nor to

amenity.

It is therefore recommended that planning permission be granted subject to conditions.

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 drawings and documents:

Drawing Number 17110/P007/Rev A - Block Plan & Site Location Plan - Dated 23.08.17
Drawing Number 17110/P015/Rev B - Floor Plans as Proposed - Dated 13.09.17
Drawing Number 17110/P016/Rev B - Elevations as Proposed - Dated 13.09.17
Drawing Number 17110/P017/Rev C - Side Elevation & Images - Dated 13.09.17
Drawing Number 17110/P018/Rev A - Section as Proposed - Dated 13.09.17

Drawing Number 17110/P019/Rev A - Section as Proposed - Dated 13.09.17
Design and Access Statement - Dated 23.08.17.

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, roofs, external windows and external doors 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 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor side elevations of the extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining occupiers in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 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.