

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 03-MAR-2015

REF NO: **AW/312/14/HH**

LOCATION: 37 Kingsway
 Bognor Regis

PROPOSAL: Single storey side & rear extensions & carport (resubmission following
 AW/132/14/HH). This application affects the character and appearance of the
 Craigweil House Conservation Area.

Present: Councillor Haymes (Chairman), Mrs Hall, Mrs Stainton, Bower, McDougall, Evans and
Charles

Alan Smith from Aldwick Parish Council and Councillor Mrs Brown were present at the site visit
but note at the vote

The Inspection Panel assessed the planning merits of the site in detail and

RECOMMEND

that the officer recommendation to approve is not accepted.

REPORT UPDATE

Application No: AW/312/14/HH

Reason for the Update / Changes

Reason for Update/Changes:

Tree Officer's Report

Error in report with regard to BS5837 should have read 2012 not 2005.

Helliwell Method is also used to assess amenity value of trees (calculation has been submitted) with regard to the Root Protection Areas.

Further letter of objection from Craigweil House and its Environs Conservation Area Association.

Tree Officer's report does not specify whether the trees will be harmed by the development and is misleading with reference to BS5837:2005 which should read 2012.

Applicant did not complete Section 7 of the application form correctly stating that there were no trees or hedges on adjoining properties within falling distance of the proposed development.

Letter from applicant dated 19.1.15 states the three prime reasons for creating a conservatory and car port are:

Side door to the east is dangerous to people leaving the dwelling and could step out onto a moving car. Not a material planning consideration.

Driveway is alleged to be narrow, however, with the building of a conservatory it will make the driveway narrower.

Applicant does not use the garage for parking of a vehicle only storage and has difficulty in reversing. Not a material planning consideration.

Further letter of objection from neighbouring property No 39.

My wife and I have spent considerable time and effort developing the garden of No 39 with many unusual trees. We intend to retain all the trees and shrubs which are adjacent to the boundary with No 37 and it is inevitable that damage would occur to a number of these.

Subsequent letter from applicant dated 18.2.15.

The changes proposed are modest compared to the unaltered main facade of the building. From previous applications we have reduced the size of the west side porch which sits back from the main facade. Depth of the east side extension has been reduced and the conservatory is smaller with a carport instead of a garage.

We would accept a planning condition with regard to the protection of the trees and have offered to replant replacement trees in a more suitable location.

Officers Comment:

Additional objections and comments noted.
Amended Tree Officer's comments have been scanned.

Note: There are no changes to recommendation, conditions at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

AW/312/14/HH

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

REF NO: AW/312/14/HH

LOCATION: 37 Kingsway
Bognor Regis

PROPOSAL: Single storey side & rear extensions & carport (resubmission following AW/132/14/HH). This application affects the character and appearance of the Craigweil House Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development includes a new entrance lobby on the south west corner of the site. A rear conservatory. A new conservatory with brick wall and glazed roof and framed car port along the length of the eastern side of the property.

The proposed front porch measures approximately 3.6m in width, depth of 3m with a maximum height of 2.8m.

The proposed rear conservatory measures approximately 6.9m in width, depth of 3.5m with a maximum height of 2.8m.

The proposed conservatory on the eastern side measures approximately 3.4m in width, depth of 5.8m with a maximum height of 2.8.

	The proposed car port will be approximately 3.5m in width, depth of 4.7m with a height of 2.3m.
SITE AREA	Approximately 771 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Judas and Magnolia tree sited within the side garden of No 39 The Kingsway may be affected by the proposed development. See Tree officer's recommendation.
BOUNDARY TREATMENT	Front boundary has a dwarf brick wall with trees and bushes behind. East side boundary has a low brick wall to the front with close boarded fencing to the rear approximately 1.8m in height. West side boundary has trees with bushes with a low brick wall behind. Rear north boundary has mature trees and hedging.
SITE CHARACTERISTICS	Detached two storey gable fronted dwelling, glazed porch on western side. Rear flat roof extension and flat roof dormer on rear. Detached garage sited to the rear of the property on the east side of the dwelling with driveway on east side.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area and Area of Special Character. Private residential estate comprising detached properties on large plots of various styles and designs.

RELEVANT SITE HISTORY

AW/80/14/HH	Erection of new garage and conservatory with application for new vehicular access to existing dwelling	Withdrawn 22-04-2014
AW/132/14/HH	Single storey side and rear extensions (resubmission following AW/80/14/HH).	Refused 07-08-2014
BR/239/54	Detached bungalow & garage	Approve 21-12-1954

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection

Members strongly objected to the application on the grounds that the extension/s does not sympathetically relate to and is not visually integrated with the existing building in siting, design, form scale and materials; the extension/s is not visually subservient to the main building; the extension/s would have an adverse overshadowing, overlooking and overbearing effect on neighbouring properties; the extension/s compromises the established spatial character and pattern of the street and that the extension/s does not preserve or enhance the Conservation Area. Therefore Members agreed that the proposed application is in direct conflict with the Arun District Local Plan 2003, DEV19 (I)(ii)(iii) and v and Policy Area 2 and with the Parish Design Statement, Area 2 Design Principles.

4 Letters of Objection

Entrance lobby with its prominent position and the materials to be used would not be subservient to the host dwelling.

Conservatory on the eastern side boundary would cause significant damage to the trees and shrubs that are adjacent to the boundary on the neighbouring property.

The side extension fails to preserve the established spatial pattern on the area and contrary to Conservation Area statement which identifies spacing between properties.

Proposal does not conform to the high quality of design and construction and will not be integrated with the design of the existing dwelling.

Existing garage is described as a workshop giving the impression that there is no garage. By removing the garage and infilling with the skeletal car port it will completely destroy the character of spaciousness.

The construction of a lengthy side elevation to the boundary is totally out of sympathy with the adjoining property No 39 and thus is contrary to Policy DEV19(iii).

Overbuilding over the existing driveway leading to the existing garage will reduce the availability of parking space for vehicles of occupiers as well as their visitors.

Arun District Local Plan Area 1 Volume of the proposed plans is an overdevelopment and would not make a positive contribution to the Area of Special Character and the Conservation Area.

Improvements to the 1950's style bungalow should reflect the design and architecture of that era.

Craigweil House and its Environs Conservation Area Association

Objection

The applicant has declared that there are no trees within falling distance of the site. This is a false declaration as there is a Judas and Magnolia tree adjacent to the boundary on the neighbouring property No 39 Kingsway. These trees will be affected by the digging of footings and should be preserved as the Judas tree is of significant amenity value.

The bungalow is set in spacious grounds and was constructed in the 1950's its design being sympathetic to the surrounding area.

No mention by the applicant that the development will preserve or enhance the character and appearance of the setting of the Conservation Area or make a positive contribution to the special character of the area.

Although the application states there is existing parking space to the east of the house this is less than two cars before one reaches the existing garage and if the garage is to be removed and supplemented by a car port the visual effect on the street scene will be devastating.

The proposal is contrary to policy GEN7 in that it does not display a high quality and layout with the roof of the car port and conservatory wall being built hard up to the eastern boundary.

Conflict with Policy DEV19(iii) Overbearing effect on No 39.

Comments on Representations received:

Comments noted.

See Officer's report which details the proposed development and impact with regard to residential amenities, character and appearance of the Conservation Area and the Area of Special Character. If approved, a condition will be imposed regarding a Tree Protection Plan in relation to the trees on the neighbouring property No 39. The site is of an adequate size to accommodate extensions of this size. The site still retains adequate provision to the front of the car port

CONSULTATIONS

Conservation Officer

Arboriculturist

Consultations responses received:

Conservation Officer

The application site is located with the Craigwell House Area of Special Character (ASC) and the Craigwell House Conservation Area. The property is a two storey, detached dwelling located in an area characterised by a range of detached homes of varying styles. Properties are set back from the road and, generally from their neighbours.

The application is for a number of alterations to both sides of the property. Of particular note will be those alterations visible from the street; namely the porch (conservatory), conservatory and carport.

It is considered that the proposed new porch would appear in conflict with the character and appearance of the property which is primarily render. The porch in contrast, which is designed to look like a conservatory placed on the front elevation, introduces a significant amount of glass.

Whilst reduced in size from the previous application, the 'porch' it is still considered to be a large structure for such a use. The size, appearance and location of the porch will also have a greater impact on the street-scene. The design of the structure also gives the impression of it encroaching into the neighbouring property.

I note that, as in the previously refused proposal, the current scheme includes extending the property eastwards to the edge of the boundary/plot. This would have the impact of reducing the space between the property and its neighbour. This would be in conflict with the established character of the area as identified in the Conservation Area Statement. The description of the Conservation Area identifies that "Houses are set back from the verges throughout Kingsway with spacing between properties both at ground and first floor levels providing a sense of spaciousness."

It is considered that this would have a negative impact on the character and appearance of the area. Further, that it would not have a positive contribution to the Area of Special Character

I should also point out that the elevations (both the existing and proposed) do not reflect the property in a number of ways. It is not clear if the property owner intends to undertake further works. This needs to be amended accordingly.

Relevant policies:

Arun District Local Plan 2003:

Area 1: Areas of Special Character
Area 2: Conservation Areas

Emerging Local Plan 2014:
HER SP1: The historic environment
HER DM3: Conservation Areas
HER DM4: Areas of Special Character

Relevant SPD's:
Conservation Areas Supplementary Planning Guidance Note
Areas of Special Character Supplementary Planning Document

Conservation Area Advisory Committee
No objection

Tree Officer
T1 Species: Judas Cercis siliquastrum Height: 6 meters Average Branch Spread: 2.5 meters
Crown Condition: good Form: good Age Class: mature Height to First branch: 0.5 meters Height
and type of main unions: 0.5 meters

As T1 identified in this report is a 'multi-stemmed' tree, the use of the Helliwell Method of
calculating the RPA.

Dbh: (3 x stems, measured - 210 mm, 175 mm, 110 mm) So,
RPA: 27.5 m²
RPA Equates to a Circle with a Radius of: 2.9 meters
RPA Area Equates to a Square with sides of: 5.2 meters
RPA offset of 20%, which Equates to: 0.6 meters

T2 Species: Southern Magnolia Magnolia grandiflora Height: 4 meters Average Branch Spread:
1 meters Crown Condition: good Form: good Age Class: semi mature Height to First branch: 0.5
meters

As T2 identified in this report is a 'single stemmed tree' the standard RPA calculation technique
can be utilised.

Dbh: 185 mm So,
RPA Area: 15.5 m²
RPA Equates to a Circle with a Radius of: 2.2 meters
RPA Area Equates to a Square with sides of: 3.9 meters
RPA offset of 20%, which Equates to: 0.4 meters

The highlighted application has stated the desire to build Single storey side & rear extensions &
carport at 37 Kingsway.

Both T1 and T2 are situated abutting the western boundary of No.39 in a porous 'border' area.
The surface on No.37's side is a non-porous layer, which would suggest the given root systems
have the main part of their structure/mass located within this porous area (to maximise the
ability to access water/nutrients etc.). This would therefore suggest the lateral root development
is spanning to the northerly direction and to the southerly direction (as the porous border

extends in these directions).

The trees listed in this application are not subject to a TPO orders, but are situated within the Craigweil House Conservation Area. As part of the site visit, both T1 and T2 were assessed for TPO suitability. Due to the age/presence, relative public visibility, and other factors not 'scoring' high enough on the TPO template, T1 and T2 were considered not suitable for TPO orders at this time.

The submitted application has failed to address or acknowledge any potential conflict with this development and any surrounding trees. It is apparent that this development could interfere with T1 and T2, as both trees are standing within 1 meter of the boundary to No 37, and the proposed development appears to be requesting to construct up to the boundary line between 37/39.

As stated previously, the calculated Dbh of T1 would be 27.5 m², which equates to circle with a radius of 2.9 meters. From the submitted plans, it does appear the proposed development will include excavating/construction within the RPA of T1.

As stated previously, the calculated Dbh of T2 would be 15.5 m², which equates to circle with a radius of 2.2 meters. From the submitted plans, it does appear the proposed development will include excavating/construction within the RPA of T2.

To meet the standards set by the BS 5837:2012, the applicant would have to submit with an application;

- Tree Survey & Constraints Plan
- Tree Retentions and Removals Plan
- Tree Protection Plan

The submitted application has failed to meet the criteria set by the BS 5837:2012 - Trees in relation to construction. The application, if approved, should be subject to a condition as per BS 5837:2012 for this proposed operation.

To meet the BS 5837:2012 standard, the applicant must use of static fencing, which must be erected before the construction process begins, and must be left unadulterated until the project has finished. An attached diagram illustrates the standard of fencing that is required to meet the BS 5837:2012.

Conservation Area Advisory Committee
No objection

Comments on Consultation responses:

Conservation Officer comments are noted. These differ from the comments of the Conservation Area Advice Committee.

Tree Officer comments noted. If approved, a condition will be imposed regarding a Tree Protection Plan.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within Conservation Area
Area of Special Character
Art 4 Direction
Tree Preservation Order
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA1](#)
[AREA2](#)
[DEV19](#)
[GEN2](#)
[GEN7](#)

Publication Version of the Local
Plan (October 2014):

Areas of Special Character
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 DM4 Areas of Special Character
SD SP2 Built-Up Area Boundary
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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).

There is no Neighbourhood Development Plan for Aldwick under preparation.

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."

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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 relevant Development Plan policies in that it would have a neutral impact on the character or appearance of the Conservation Area and there would be no demonstrable harm caused to the residential amenities of neighbouring properties.

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 within the Craigweil House Conservation Area and locally designated Area of Special Character. It is within the built up area where the principle of development is deemed to be acceptable, subject to it complying with relevant planning policies. The surrounding area comprises detached properties of individual designs illustrating the time periods in which they were constructed.

SITE HISTORY

The detached property which is set back from the road was constructed in the 1950's and a rear dormer has been constructed in the middle 80's. A previous application AW/132/14/HH for single

storey side and rear extensions, front porch was refused on the basis that the front porch was not subservient to the host dwelling and the side extensions by infilling the existing gap between the properties would fail to preserve the characteristic of the Conservation Area.

CHARACTER AND APPEARANCE

The submitted application has reduced the size of the porch and side extension. The proposal shows a conservatory on the eastern side adjacent to the existing garage with a car port to the front of the conservatory which is set back from the front flank wall of the dwelling. The rear conservatory which replaces an existing flat roof structure will be approximately half the width of the host dwelling and will project out by approximately 3.5m. The porch sited on the western side will be sited behind the front flank wall of the dwelling.

DESIGN AND SCALE

The entrance to the property is sited on the western side and there is currently a glazed circular porch and this is to be replaced by a brick and glazed porch. The porch will be set behind the front flank wall of the dwelling and approximately 0.85m from the western side boundary. Whilst the porch will be constructed in PVCu and glazed it is not considered to be of a size and height that is out of character with the host dwelling. The existing garage is set behind the dwelling on the eastern side and the proposed rear conservatory which will replace an existing flat roof structure will be half the width of the host dwelling. The position of the conservatory will link up with the existing garage and the new conservatory. The conservatory will be positioned in line with the side flank wall of the garage to the boundary with No 39 and will have a rear projection of approximately 5.8m. To the front of the conservatory a flat roof car port is proposed which will be the same height as the eaves of the main dwelling. The materials of the car port will be of a lightweight construction and in view of this it is considered that this will limit the impact and sense of enclosure.

RESIDENTIAL AMENITIES

The new porch will be sited approximately 0.85m from the western side boundary. The neighbouring property has a garage that is sited to the boundary with No 35 and the porch is positioned behind this structure. The proposed side extension on the western side will be sited to the boundary with No 39. This property has a Judas tree and Magnolia tree that are sited adjacent to the boundary with No 37. In view of their close proximity to the proposed side extension and its potential impact on the trees the Tree Officer has been consulted and has visited the site. He is of the opinion that the trees do not meet the criteria set out by the BS5837:2012 Trees in relation to construction. If approved, a condition will be imposed regarding a tree Protection Plan. The neighbouring property No 39 is sited approximately 2m away. This property has a dormer window on the side roof slope fronting No 37 and there are four windows at ground floor level, two are ancillary windows that serve bedroom accommodation and these are positioned to the front and rear, the two in the middle serve a shower room. Whilst it is accepted that the side extension which will be visible above the boundary fencing may create a degree of overshadowing at certain times of the day it is not considered to be of a harmful nature to recommend refusal.

SUMMARY

The comments of the Conservation Officer are noted, as are the objections of the Parish Council, local residents and CHECAA.

However the site is of an adequate size to accommodate the extensions and when viewed from the street frontage the extensions to the east and west are set behind the front flank wall of the

dwelling and a considerable distance from the front boundary. It is considered that a sense of spaciousness is still retained which is a character of the Conservation Area.

Policy Area 1 Areas of Special Character of the Arun District Local Plan states that the development should make a positive contribution to the special character of the area. Policy Area 2 Conservation Areas states that any development should preserve or enhance the character or appearance of a Conservation Area and its setting. In the officer's view the proposed alterations would have a neutral impact on the Area of Special Character and would preserve the character and appearance of the Conservation Area. It is important to note that emerging policy HER DM4 does not require that development in Area's OF Special Character have a positive effect

It is therefore recommended to approve the application, subject to 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 for 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 a neutral impact has 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 received on the 10th December 2014.

Location Drg No ADS-001 Rev A dt 31.10.14.
Site Drg No ADS-002 Rev D dt 4.11.14.
Proposed Floor Plans Drg No ADS-004 Rev B dt 4.11.14.
Proposed Elevations Drg No ADS-005 Rev B dt 4.11.14.
Existing/Proposed Roof Drg No ADS-006 Rev B dt 4.11.14.

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall take place on the site a tree protection plan relating to the trees on the neighbouring site in accordance with BS5837 (2012) Trees in relation to construction has been submitted to and agreed in writing by the Local Planning Authority. In the tree protection plan the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. The construction of the extension shall be carried out in accordance with the details so agreed.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over adjoining property.

- 6 INFORMATIVE: 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 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.