REPORT UPDATE

Application No: AW/344/14/HH

Reason for the Update / Changes

Reason for Update/Changes: Amendment of the description following negotiation regarding the proposed materials and the inclusion of an additional condition in relation to the protection of the SSSI in accordance with the advice of Natural England.

Condition: During implementation of the approved development there shall be no access by construction vehicles, storage or encroachment of building materials or equipment onto the beach.

Reason: To protect the interest features of the SSSI from damage in accordance with policy ENV SP1 of the Emerging Local Plan.

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/344/14/HH

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

REF NO: **AW/344/14/HH**

LOCATION: 68 The Drive
Bognor Regis

PROPOSAL: Increase existing single storey side extension, clad external elevations with insulation & render, remove existing clay tiled roof & recover, 3 No velux windows within the north facing front roof elevation, 32 No new windows, 7 No new doors, reconstruction of first floor balcony, new external steps at rear of side extension, gable roof extension to existing first floor living room & external garden swimming pool. This application affects the character and appearance of the Craigweil House Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the increase of the existing side storey extension, cladding of the external elevations with insulations and render, removal of the existing clay tiled roof & recover with Welsh slates, installation of 3 No. roof lights on the primary elevation, replacement of 32 No. windows and 7 No. doors, reconstruction of the first floor balcony, addition of new external staircase to the rear of the side extension, gable roof

	extension to the existing first floor levelling room and creation of a swimming pool to the rear of the existing dwelling.
SITE AREA	Approximately 0.15 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a 1.8 metre high brick wall with iron gates, the side and rear boundary of the site consist of 1.8 metre high brick walls and close boarded fencing with 4 metre high hedging on the eastern elevation of the property.
SITE CHARACTERISTICS	The site is occupied by a large two storey dwelling set back from the highway constructed of brick with a brown tiled roof and white uPVC windows. The property features a rear balcony accessed by existing steps up from the garden. Whilst, two raised platforms exist on the western boundary of the site with two sets of access steps. The property also features an integrated double garage at ground floor level.
CHARACTER OF LOCALITY	Private residential estate within the Craigweil House Conservation Area. Detached properties on large plots of various styles and designs.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection - Members strongly objected to the application on the grounds that the proposed extension would have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Members also considered that the glazing to the extension should be obscure rather than clear and that the proposed development does not enhance a conservation area. Therefore, Members agreed that the proposed extension is in direct conflict with Policy Dev19 (iii) and Policy Area 2 of the Arun District Local Plan 2003 and with Aldwick Parish Design Statement 2015, Design Criteria, page 28.

Conservation Area Advisory Committee:-
No objections.

5 x Letters of Objection:-

- The swimming pool will have an adverse impact upon the SSSI and poses a risk to fossil insects
- Creation of the side extension and increase in size of the balcony will create overlooking and a loss of privacy for the adjoining property
- The proposed side extension will be in conflict with policy DEV19 of the Arun Local Plan 2003.
- The proposed side extension will be in conflict with policy GEN7 of the Arun Local Plan 2003.
- The proposed side extension is in conflict with policy AREA1 of the Arun Local Plan 2003.
- Materials proposed are unsympathetic and will have a detrimental impact upon the character of the Conservation Area.
- The proposed swimming pool to the rear of the property will adversely impact upon the character of the Conservation Area.
- The appearance of the beachfront when viewed from the SSSI will be adversely affected.
- Creation of the side extension and larger terrace will adversely impact upon the spacious character of the properties and adversely affect the residential amenity of number 70.
- The proposal fails to deliver a high quality of design and as such is in conflict with policy GEN7 of the Arun District Local Plan 2003.
- The proposed rear gable roof does not comply with policy GEN7 of the Arun District Local Plan 2003.
- The swimming pool will create overlooking for the residents at number 70 The Drive.
- The proposal is in conflict with the details of the National Planning Policy Framework under Paragraph 109.
- The removal of the rear staircase will mean that the stairs on the eastern elevation of the property will be the only means of access into the property creating additional overlooking.
- The proposed gable roof will cause overshadowing and reduce the amount of light enjoyed by the residents of number 70.
- The construction of the swimming pool has the potential to unmine the foundations of the wall and cause damage to the roots of the trees between 68 and 70.

Comments on Representations received:

Comments in response to the objection from the Parish Council:
*The proposed alterations to the extension to the east of the property will be located 0.4 metres closer to the eastern boundary of the site, with its height remaining unchanged. Therefore, the proposed eastern extension is not deemed to give rise to any adverse overbearing, overlooking or overshadowing effects.
*No windows are proposed to be installed in the extension and the proposed windows replace those which are already present in the property and as such it would be unreasonable to condition these to be obscurely glazed.
*Area 2 requires the proposal to preserve or enhance and as such the proposed works are deemed to preserve the conservation area.

Comments in response to the letters of Objection:
*The swimming pool is located in the rear garden of 68 The Drive and is located outside of the SSSI.
*The creation of the side extension will not give rise to any additional overlooking. However, it is proposed for a condition to be included requiring to erection of obscured screening to ensure no overlooking of 70 The Drive.
*The proposed side extension is not deemed to conflict with policy DEV19 (i), (ii), (iii) or (v) of the Arun District Local Plan.
*The proposed side extension is not deemed to conflict with policy GEN7 (iv).

*The proposed rendering of the property is deemed to preserve the character of the conservation area with render being present throughout the conservation area. The Council are in agreement that the proposed roof materials do not preserve the character of the conservation area and as such a condition has been included requiring that these materials are submitted to the Council for approval prior to the commencement of development.
*The proposed swimming pool could be constructed under permitted development rights and as such is not deemed to adversely impact upon the character of the conservation area.
*The proposed gable end to the rear of the property is not deemed to adversely impact upon the character of the conservation area, but will constitute an improvement to the appearance of the existing first floor extension.
*The side extension will be located 0.4 metres closer to the eastern boundary and as such this is not deemed to adversely harm the character and appearance of the area.
*The proposed design is deemed to positively contribute to the appearance of the dwelling and as such is not deemed to be in conflict with policy GEN7.
*The swimming pool is not deemed to give rise to any additional overlooking than already exists in the rear garden of 68 The Drive.
*The potential increased use of the staircase on the eastern elevation of the property is not deemed to give rise to any additional overlooking than is already present at the site.
*The proposed gable roof by reason of its size and proximity to the boundary is not deemed to cause unacceptable overshadowing in conflict with policy DEV19 (iii).
*The applicant will be responsible for ensuring the structural integrity of the wall during any potential excavation.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer:-
The property is located within the Craigweil House Conservation Area and the Craigweil House, Aldwick Area of Special Character. In addition it is situated next to a Building or Structure of Character. As such the proposal has the potential to affect a number of Heritage Assets.

The NPPF defines Heritage Assets as:
"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)"

The proposal has the potential to lead to substantial alterations to the property. As the property backs on to the beach, it has to be remembered that it can be viewed from two 'public domains'. The property is currently constructed in brick and clay roof tiles, in an area where such materials are prevalent. The proposal seeks to introduce alternative materials namely slate roofing. It is considered that this is problematic as such materials do not respect the established characteristics of the locality.

It is considered that that the use of render is acceptable and will have a neutral impact upon the Conservation Area. This accords with a number of other properties in the locality, especially the older properties within the conservation area.

Further, the proposal introduces a revised living room 'bay' window with a revised roof. This increases the prominence of the structure on the rear elevation, which is unfortunate.
The removal of the rear steps and the replacement of the balcony with a larger one constructed

with a steel handrail and glass supports, further increases its presence on the rear elevation.

If minded to approve, you may wish to condition the following:
· Conservation Area roof-lights
· Details of the colour of the render
· Details of the replacement balcony

Relevant policies:
Arun District Local Plan 2003:
Area 1: Areas of Special Character
Area 2: Conservation Areas
GEN 22: Buildings or Structures of Character

Emerging Local Plan 2014:
HER SP1: The historic environment
HER DM2: Locally Listed Buildings or Structures of Character
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
Buildings or Structures of Character Supplementary Planning Document

Natural England:-
I am the Natural England site officer for Bognor Reef Site of Special Scientific Interest (SSSI). It has come to my notice that building materials have been deposited on the shingle habitat adjacent to this property within in the SSSI boundary. No doubt this will disappear over time but I am keen to avoid any further damage and ensure all homeowners are aware of the site designation and its legal protection. I will be contacting all homeowners along the frontage in due course but it would be useful to ensure adequate protection and conditions are in place for any planning approvals the council are minded to approve. I understand that there is a planning application pending decision for this property.

In the past Natural England has requested conditions should be in place to avoid damage to the SSSI along the lines of 'no access storage or encroachment into or onto the SSSI area'. Thank you for confirming such a condition is still being applied. Of particular concern in this case is the deposition of excavated spoil from the exterior swimming pool which should on no account be placed within the SSSI boundary.

I trust these comments are helpful, but please do not hesitate to contact me should you require further information about the site.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Art 4 Direction
Adopted Loc Plan
Tree Preservation Order

No Public Sewer
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA1	Areas of Special Character
	AREA2	Conservation Areas
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) SD SP2 Built-Up Area Boundary HER SP1 The Historic Environment HER DM2 Locally Listed Buildings or Structures of Character HER DM3 Conservation Areas HER DM4 Areas of Special Character ENV SP1 Natural Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD2	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.

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Aldwick have not prepared a Neighbourhood Plan.

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 within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the relevant policies in Arun District Local Plan which in this case are policies GEN7, AREA1 and AREA2 which seek to prevent development
that would have an adverse impact upon visual and residential amenities and preserves or enhances the character and appearance of the Conservation Area and its setting.

DESIGN AND VISUAL AMENITY
The proposal seeks permission for the increase in size of the existing side extension; cladding of

the external elevations with insulation & render; removal of the existing clay tiled roof and recovering with Welsh slates; the addition of 3 No. velux windows within the north facing front roof elevation; replacement of 32 No. windows and 7 No. doors; reconstruction of first floor balcony; new external steps at rear of side extension; gable roof extension to existing first floor living room; and the creation of an external swimming pool.

The existing side extension measures 3.5 metres in height with two separate raised platforms, each with a balustrade height of approximately 1 metre with two staircases on the side elevation of the property. The proposed alteration includes replacement of one staircase and removal of the second and the increase in width by approximately 0.5 metres towards the eastern boundary and the increase in balustrade height of 0.5 metres. This alteration will not result in adverse harm to the character and appearance of the dwelling and is deemed to preserve the character of the Conservation Area.

The existing dwelling is constructed from fair faced brickwork with clay tile hanging on the gable ends. It is intended for the property to be insulated and rendered - the Conservation Area features a number of rendered dwellings, including the neighbouring property to the east of the application site and as such this alteration in the appearance of the dwelling is deemed to preserve the character of the Conservation Area.

It is proposed that the roof materials on this dwelling will be altered from the existing clay tiles to that of Welsh slate. This has been identified by the Council's Conservation Officer as a potential issue as these materials "do not respect the established characteristics of the locality". However, it should must be considered that number 72 The Drive features a slate roof and as such there is some precedent within close proximity to the application site of similar materials being employed.

The proposed replacement 32 No. windows and 7 No. doors would benefit from permitted development right under Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order 1995 (as amended). Nevertheless, the proposed alterations to the windows and doors at the property are deemed to cause no adverse harm to the character of the area.

The application includes the addition of 3 No. velux windows in the primary elevation. These works could be completed under Schedule 2, Part 1, Class C of The Town and Country (General Permitted Development) Order 1995 (as amended) without the need to obtain planning permission from the Council. However, as they feature on the application they have been considered and have been deemed to not adversely impact upon the character of the conservation area. It was recommended by the Council's Conservation Officer that a condition be included on any approval requiring these windows to be of Conservation Grade and as such this condition will be imposed on any approval.

It is proposed that a gabled roof extension is added to the rear first floor extension,the existing first floor extension features a flat roof and as such it is felt that the proposed alterations would enhance the appearance of the structure when viewed from the beach and as such enhance the character of the Conservation Area. It should be noted that this alteration would benefit from permitted development rights under Schedule 2, Part 1, Class B of The Town and Country (General Permitted Development) Order 1995 (as amended).

The application includes a proposed swimming pool located in the south-eastern corner of the site

to the rear of the dwelling. The proposed swimming pool is not deemed to cause adverse harm to the character of the area and would benefit from permitted development rights Under Schedule 2, Part 1, Class E of The Town and Country (General Permitted Development) Order 1995 (as amended).

Therefore, the proposal with the exception of the proposed materials for the roof are deemed to be in accordance with policies AREA1, AREA2, GEN7 and DEV19 of The Arun District Local Plan.

RESIDENTIAL AMENITY
The proposed alterations to the eastern elevation of the property will see an increase in size of the existing balcony and potentially give rise to additional overlooking of the adjoining property at 70 The Drive. It is also felt that the proposed alterations to the rear balcony have the potential to create additional overlooking of the property at 66 The Drive. However, this overlooking could be prevented through the use of planning conditions requiring the installation of obscured screening.

The proposal is not deemed to give rise to any adverse overbearing or overshadowing impacts. Therefore, the proposed works are deemed to be in accordance with policy DEV19 (iii) of the Arun Local Plan.

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 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 no impacts have been identified upon any 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; Block Plan; South & East Elevations Existing & Proposed - 68/2014/30P B; Ground Floor Proposed - 68/2014/50P A; First Floor Proposed - 68/2014/60P A; North & West Elevations Proposed - 68/2014/40P A; and Sections & Roof plan - 68/2014/20P 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 roof lights hereby approved on the northern elevation shall be of a conservation standard and shall at all times remain to this style.

Reason: In the interest of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

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

5 No development shall be carried out unless and until details of obscured screening up to 1.8 metres in height have been submitted for the eastern wall of the balcony on the eastern elevation and the western edge of the rear balcony have been submitted to and approved by the Local Authority. The screening hereby approved shall be constructed within 1 month of the completion of this development and thereafter permanently retained.

Reason: In order to protect the residential amenities of the occupiers of the neighbouring dwellings in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

6 During implementation of the approved development there shall be no access by construction vehicles, storage or encroachment of building materials or equipment onto the beach.

Reason: To protect the interest features of the SSSI from damage in accordance with policy ENV SP1 of the Emerging Local Plan.

7 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.