

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

REF NO: **A/103/17/HH**

LOCATION: 6 Longback Cottages
 Arundel Road
 Angmering

PROPOSAL: Side extension and replacement of 3 existing windows. This application affects the character and appearance of the Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The 2 storey extension measures 4.1m x 4.7m with a ridge height of 5m
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage open. Rear garden enclosed by painted walling and fencing to approx. 2m height
SITE CHARACTERISTICS	End of terrace 2 storey dwelling with white painted elevations and a plain tile roof. Single storey extension to side.
CHARACTER OF LOCALITY	Predominantly residential characterised by dwellings of varying design, size and age.

RELEVANT SITE HISTORY

A/37/17/HH	Two storey side extension, relocation of existing shed, driveway to be laid with re-claimed bricks & replacement of 7 No. windows like for like. This application affects the character & appearance of the Angmering Conservation Area.	Refused 27-04-2017
A/103/69	Extension to form combined bathroom and WC with hall	ApproveConditionally 10-10-1969

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection on the following grounds : -

- 1) design and appearance of the works proposed;
- 2) effect on the conservation area and a listed building;
- 3) impact on the surrounding area in terms of change to the streetscape; and
- 4) the effect on neighbouring occupiers in terms of overbearing.

2 Objections - The reduction by 1m of the side extension does not change the fact that this application is virtually identical to the previous application which was rightly refused. It will still affect the frontage and not be in keeping with the historical heritage of the cottages. To use the previous alterations to no 1 Longback Cottages as a reason to alter the other end of the terrace is grasping at straws. As nos 5 and 6 were built 100 years after the original first 4 cottages. Does that make it permissible to extend the terrace with another two cottages? The roof configuration will possibly put undue strain on the roofs of the rest of the cottages.

Comments on Representations received:

Agreed. The impact on the integrity of the roof to adjacent cottages would be a private legal matter.

CONSULTATIONS

Listed Building Officer

Consultations responses received:

Historic Building Adviser - Proposal has not satisfactorily addressed previous concerns. These comments have not been made in writing but rather verbally to the case officer.

Comments in relation to A/38/17/L stated

6 Longback Cottages is one of 6 small dwellings within an historic terrace which according to the heritage statement dates back to the early 18th century. The scale, design and appearance of the cottages are consistent resulting in a cohesive building of simple form, but strong character which also contributes strongly to the Angmering Conservation Area.

The scale of the dwellings is an important part of their special interest, not least because they were formerly known as the Poorhouses and therefore would not have been overly large. They should therefore not be increased in size to a large degree, or sprawl greatly from the original plan.

Unfortunately the proposed design represents a threat to this scale, but also the simple form and plan of the cottage which is part of the building's special interest. An extension of this size and nature will therefore be harmful to the listed building, but also the integrity of the whole group as well as the Conservation Area.

With regards to the window replacement, more information will be required as to why they cannot be repaired. Where windows are historic, replacement will be a last resort and therefore should be retained where possible.

Conservation Area Advisory Committee - New extension should be no wider than original building. Out of keeping and scale. Any new application should show terrace as a whole.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Grade 2 Listed Building
Conservation Area
Class A road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7 AREA2 DEV19	The Form of New Development Conservation Areas 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) D SP1 Design HER DM1 Listed Buildings HER DM3 Conservation Areas HER SP1 The Historic Environment
Angmering Neighbourhood Plan 2014 POLICY EH1		Development in the Conservation Area
Angmering Neighbourhood Plan 2014 POLICY HD4		Materials

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 in preparation may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be a material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: 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).

Policy EH1 Development in Conservation Areas and HD4 Materials of Angmering Neighbourhood Plan are considered relevant

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 conflict with relevant Development Plan policies in that it would have an adverse impact upon the visual amenities and 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 conflict with these criteria in that it is considered to materially affect 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

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. It also lies within a Conservation Area where development should preserve or enhance the character of the area. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies AREA2, GEN7 and DEV19 and policy HD4 of the Angmering Neighbourhood Plan which seek to prevent development that would have an adverse impact upon character, visual and residential amenities.

This application follows a previous refusal for a similar extension A/37/17/HH. The amended plans indicate an extension that is 1m narrower and 10cm deeper. The height is virtually the same, the rear patio door opening has been reduced in size and more of the existing rear elevation is being altered. These alterations have not addressed the fundamental objections to the previous scheme.

The proposal relates to a two storey side extension which would be constructed of materials to match the existing dwelling. The property is located at the end of a terrace of dwellings of limited footprint and curtilage size. Some of the dwellings have had small extensions which do not adversely impact on the character of the terrace. The proposal is for an extension of significant size which would overwhelm the appearance of the cottage and the terrace as a whole. It would virtually double the width of the original dwelling. The resulting development would have a significantly adverse impact upon the established character of the street scene by virtue of its proportions, height, and width. The proposed extension is therefore considered unacceptable in design terms and does not comply with policies GEN7(ii) and DEV19 (i) & (v) of the Arun District Local Plan. In addition the proposal would result in a dominant addition to the terrace which is out of keeping and which would visually unbalance the appearance of the terrace detracting from the appearance of the Conservation Area.

The extension would be located 2m from the closest residential boundary to the side and the neighbouring dwelling is 8m from the shared boundary. It is considered that given its height, footprint and position the proposed extension would not have a significant overbearing impact or

loss of light toward neighbouring properties in compliance with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

The application is therefore recommended for refusal for the following reasons

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The site is within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal by reason of its height, size and design would result in a prominent and visually discordant extension in conflict with the Local Planning Authority's intention to protect and enhance the visual amenities and environment of such areas, and with policies GEN7, DEV19 and AREA2 of the Arun District Local Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a

revision to the proposal. The Local Planning Authority is willing to discuss the best course of action and to provide pre-application advice in respect of any future application for a revised development.