Recommendation Report for Planning Permission

REF NO: **A/129/15/PL**

LOCATION: Blaber House
The Square
Angmering

PROPOSAL: Replacement of glass roof to existing covered courtyard, removal of chimney stack to rear, insertion of first floor window to rear, re-roofing of main roof & repair of existing boundary wall. This application affects the character & appearance of the Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal includes replacement of the glass roof to the existing covered courtyard, removal of the rear chimney stack, insertion of first floor window to rear, re-roofing of main roof & repair of existing boundary wall. The removal of the roof valley to the rear by the insertion of a flat roof to bridge the gap between the ridges has been deleted from the application as a result of negotiation.
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	Fencing and flint walling encloses rear garden.
SITE CHARACTERISTICS	Detached 2 storey property with white painted elevations to front and side elevations, brick to rear with slate roof. Currently the premises is in use as a dental practice. Rear elevation dual pitch.
CHARACTER OF LOCALITY	Village centre location characterised by older style properties of varying design and age.

RELEVANT SITE HISTORY

A/54/05/	Change of use of part of ground floor from retail (A1) into a restaurant (A3) including single storey extension for new toilet facilties and an extraction system from kitchen	ApproveConditionally 03-08-2005

A/83/06/	Change of use of ground floor from retail (A1) to a dental practice including a single storey extension.	ApproveConditionally 02-08-2006
A/35/12/	Replacement of 7 existing timber/steel single glazed windows with double glazed PVCu windows.	Refused 06-06-2012

REPRESENTATIONS

Representations received:

Angmering Parish Council

First response - Note and agree with the grounds for objection given by the Conservation Area Advisory Committee. The proposed works would be significantly overbearing on properties in Church Road. The proposed additional signage appears excessive in size.
Second Response - Based on revised plans objection is withdrawn

Comments on Representations received:

Noted. Additional signage does not form part of this application. The roof alterations have been deleted from the application.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee - Regret removal of pitched roofs and chimney which detracts from both the building and the Conservation Area. Also additional signage considered unnecessary. Sample of repair work to be submitted to planning officer and should match existing.

Conservation Officer
The property is an attractive structure within a key location within the conservation area. As a result it has been identified as a heritage asset. A heritage asset is defined 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)".

These comments relate to amended plans. It is noted that the works to the roof have been removed from the proposal, and this is supported.

The revised proposals are now considered to have a neutral impact upon the property or local area.

The success of such a scheme will depend upon the quality of workmanship and materials used.

Details of all materials will need to be provided along with details of how the existing boundary wall is to be repaired. This may also require a sample panel to be provided on site.

Comments on Consultation responses:

- comments noted. The advertisement does not form part of this proposal. The roof alterations have been deleted from the application and the Conservation area officer does not raise an

objection.

POLICY CONTEXT

Designation applicable to site:
Conservation Area
Class B road
PD restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	AREA2	Conservation Areas
Publication Version of the Local Plan (October 2014):		HER DM3 Conservation Areas
		HER SP1 The Historic Environment
Angmering Neighbourhood Plan 2014 POLICY EH1		Development in the Conservation Area

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton and Bognor. Policy EH1 'Development in the Conservation Area' of the Angmering neighbourhood plan is 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 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.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 will have a neutral impact on the character of the Conservation Area and will therefore mean that the Conservation area is preserved.

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

BACKGROUND
The application as originally submitted was unacceptable in terms of its impact on the character and appearance of the Conservation Area and as a result following negotiations the proposal has been amended to delete the proposed valley infill to the rear roof.

IMPACT ON THE CONSERVATION AREA AND VISUAL AMENITY
The replacement of the glass roof to the existing covered courtyard and re-roofing of the main roof & repair of the existing boundary wall will have no unacceptable adverse impact on visual amenity subject to the use of satisfactory materials.

The rear chimney is not as significant as the chimney on the north side of the dwelling and is not visible from the site frontage, although it can be glimpsed from Church Road and High Street to

the south west. Its removal is necessary to prevent water ingress to the building. The Conservation Officer has advised that its removal in terms of the impact on the appearance of the Conservation Area is acceptable. There is therefore no objection to this element of the application.

The other alteration proposed is the addition of a first floor window to the rear to match the appearance of the other window on this elevation. Provided the materials of the window are controlled by condition there would be no adverse impact on the visual amenities of the locality.

RESIDENTIAL AMENITY
In terms of the impact of the additional window on the residential amenities of adjoining properties given the limited distance to the rear boundary (7m) and the position of the window it is considered that without obscure glazing an adverse overlooking impact would result to the neighbouring property to the north. This will be secured by condition. The replacement of the glass roof to the existing covered courtyard and re-roofing of the main roof & repair of the existing boundary wall will have no adverse impact on residential amenity since no increase in their size is proposed.

CONCLUSION
The application is therefore recommended for approval subject to the following 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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval 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 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 neutral 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).

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 14-136-02A and 14-136-Loc 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 window hereby approved at first floor on the rear elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

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

4 No development shall be carried out unless and until precise details of the new window have been submitted to and approved by the Local Planning Authority and the details so approved shall be used in the construction of the window.

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 policies GEN7 and AREA2 of the Arun District Local Plan.

5 No development shall be carried out until a sample panel of the repair work to the wall (including the proposed texture, style, coursing and mortar ratio) have been constructed on the site, and approved by the Local Planning Authority and the materials and sample panels so approved shall be adhered to as the repair specification for the wall.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

6 The materials and finishes of the main roof repair hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District 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 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.