

Recommendation Report for Planning Permission**REF NO:** **A/138/13/****LOCATION:** Site to the rear of The Old House
 High Street
 Angmering**PROPOSAL:** Outline application for the erection of detached dwellinghouse - This application affects the setting of a Listed Building**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to provision of a 2 storey 3 bed chalet style dwelling to the rear of The Old House. The dwelling would have a footprint of 8.6m by 9.7m with a ridge height of 6.9m. The application is in outline form with only landscaping excluded from consideration at this stage.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walls and brick walls between 1.2m and 1.8m enclose site.
SITE CHARACTERISTICS	The Old House is a detached 2 storey dwelling with flint elevations and plain tile roof. A wall currently divides the garden to the rear of the property.
CHARACTER OF LOCALITY	Predominantly residential characterised by older style detached dwellings of varying design and size, mainly 2 storey.

RELEVANT SITE HISTORY

A/64/03/	Outline application for erection of chalet type dwelling	Refused 30-06-2003 Appeal: Dismissed 06 05 2004
A/85/04/	Outline application for the erection of one chalet style dwelling. Resubmission following application reference A/64/03.	Refused 16-08-2004

A/47/81	Outline - Construction of residential dwelling	Refused 20-05-1981
A/76/82	Outline construction of dwelling - bungalow or house	Withdrawn 21-05-1982

REPRESENTATIONS

Representations received:

Angmering Parish Council

No Objection

6 letters of objection - The site forms part of the setting of the 18th century grade 2 listed Old House to which it belongs and is enclosed by flint wall. This reflects the survey map of 1679. Still maintained as a kitchen garden and benefits wildlife. Objection to alterations to flint wall. Applicant will sell on site quickly. The proposal is an unremarkable chalet/bungalow design of no particular architectural quality and not at all suited to its surroundings. The boundary wall is not high enough to shield Anchor Cottages from the development. There has been only one house permitted to be built in recent years and that is located at the far end of Old Mill Lane and blends well with its surroundings. There has been a marked increase in traffic on the High Street in recent years. Traffic problems will get worse.

Not informed of application in writing.

Rights of Way not discussed with neighbours. Flint wall to be knocked down is not in applicant's ownership and there is no evidence that this has recently been repaired. Doubt foul sewage could be disposed of via mains sewer. Not sure sustainable drainage can be achieved on such a small site. The two passing bays mentioned in Old Mill Lane are not sufficient to allow 2 vehicles to pass in this narrow lane. The lane is totally unsuitable for further vehicular traffic with no footway or passing places. Earlier improvements to visibility were for the relevant application only. Access is inadequate. Rear single storey extension to 1 Anchor Cottages is not shown. The distance to the rear of this property is therefore 16.4m not 18m. The grounds for the application are not a planning matter. Would have a substantial impact on the Conservation Area. No change since previous refusals. There is considerable planning history. This is the third application for a house on this site. Trees should be protected.

Comments on Representations received:

The application was advertised in accordance with procedure. 3 planning notices were displayed. One on each frontage. With regard to land ownership an additional Notice has been served on the adjoining neighbour. Many of the trees in the garden are protected since they fall within the Conservation Area. The other trees are not indicated for removal. County highways have no objection to the proposal in terms of highway safety. The planning history of the site is a material planning consideration. Given the distances involved it is not considered essential that the rear extension to the adjoining property is indicated on the submitted plan.

CONSULTATIONS

WSCC Strategic Planning
Listed Building Officer
Conservation Officer
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

County Highways - West Sussex County Council was consulted previously on Highway Matters for this location under planning application no.A/64/03 and A/85/04 to which a refusal was recommended due to inadequate width, poor visibility at the junction with High Street and an increase use of the junction. However a site further south of this application was considered for similar proposals by the Highway Authority under application A/136/09 whereby an objection was initially raised for the same reasons but subsequently allowed subject to improvement works through a Section 278 Road Agreement.

It is understood the access improvements have now been completed to the satisfaction of the Highway Authority and the maintenance period has ended; therefore with this in mind, the proposals for this site initially objected to under A/64/03 and A/85/04 are acceptable. With the highway improvement works, visibility on to high street has been improved to a more satisfactory standard. The additional dwelling will not be anticipated to result in a material increase in traffic movements.

From inspection of the plans and information provided within this application, it is proposed to offer 2 off-street parking spaces within the site for use by the future occupiers of the dwelling. It would appear that a turn on site would not be achievable within the confines of the application site; however, vehicles reversing on to Old Mill Lane would not deem to be a significant concern due to it being a no through road with limited traffic movements occurring. Irrespective of this, a vehicle will either way be able to exit on to High Street in the forward gear, gaining the appropriate visibility.

The amount of 2 spaces would meet the demand for a dwelling of this size in this area. Cycle parking is also proposed of 2 spaces; this should be secure, covered and secured by condition to provide alternative travel options to the use of the car in accordance with current sustainable transport policies

Based on these comments and the comments provided in application A/136/09 by the Highway Authority, there would be no concerns raised to this application from a highway safety perspective subject to conditions regarding cycle parking and construction plant and materials.

Conservation Area Advisory Committee - A 2 storey property would be more suitable than a bungalow.

Historic Buildings Adviser - Development within the grounds of any listed building requires significant levels of information and detail with regards to the historic context of the house and its setting, normally in the form of a Heritage Statement. Para 128 of the NPPF states:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

Unfortunately, no historic assessment of the site has been made here and therefore it is not possible to give the proposal full and proper consideration, either way. That said, as a general rule, development within the setting of a listed building is usually resisted because it is normally always harmful to the special interest of the asset. As with any threat, this would undermine the very reason for the building's protection and in turn conflict with the NPPF's approach towards

sustainability.

Under the terms of the NPPF any development in a sensitive location must also seek to conserve or enhance the asset and where it does not there must be compelling justification, which should include a balanced element of public benefit. This does not appear to exist here.

Where the principle of development is considered justified, new buildings should be of a high design quality to mitigate their impact. The chalet style bungalow proposed would not meet this test.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#) The Form of New Development
[AREA2](#) Conservation Areas

Publication Version of the
Local Plan - Excluding the
Spatial Portrait, Employment,
Housing Allocations,
Transport, Monitoring and
Implementation sections
(February 2014):

D SP1 Design
HER DM3 Conservation Areas
HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to

be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 a materially adverse impact upon the established character of the surrounding area.

Where the site is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) 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 setting of the Grade II Listed Building and 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 lies within the built up area boundary where the principle of residential accommodation is acceptable. However the site is also located to the rear of a Grade 2 listed building and partly within the Angmering Conservation Area. Access, appearance, layout and scale form part of the proposal. There have been previous applications for residential development on the site which were refused on highway grounds and on the impact on the Conservation Area. Highway issues have now been resolved. The appeal Inspector concluded that development of this site would be in keeping with that which has already taken place in Old Mill Lane and there would be no harm to the setting of the Conservation Area and its spatial character and appearance would be preserved. However, this appeal decision is 9 years ago and guidance relating to development involving historic assets has been updated in the NPPF. The information submitted in support of the application falls short of that required and the Local Planning Authority is not satisfied that the proposal would seek to conserve or enhance the appearance of the Conservation Area or the setting of the adjacent listed building or that a compelling justification exists. The proposal is for a chalet style dwelling of limited architectural merit and the design falls short of that required in this location. No street scene has been submitted with the application to illustrate its integration or demonstrate its impact on visual amenity.

Siting and layout are included in the proposal and given the distance to the side boundaries of 8.3m to the west and 9m to the south the proposal is considered acceptable in terms of residential amenity and will not result in any materially adverse overbearing or overlooking impacts.

The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 negative 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

REFUSE

- 1 Based on the submitted information the Local Planning Authority is not satisfied that the proposal could be provided without adversely affecting the character and appearance of the Angmering Conservation Area, and therefore conflicts with policies GEN7 and AREA2 of the Arun District Local Plan and the NPPF.
- 2 Based on the limited information submitted with the application and lack of justification the Local Planning Authority is not satisfied that the proposal could be undertaken without adversely affecting the setting of the listed building and the proposed design of the dwelling would not satisfactorily mitigate its impact. The proposal therefore conflicts with policies GEN7 of the Arun District Local Plan and the NPPF.
- 3 **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 with the proposal and determining the application within a timely manner, clearly setting out the reasons 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.