

Recommendation Report for Planning Permission

REF NO: **A/165/14/PL**

LOCATION: Littleworth House
 High Street
 Angmering

PROPOSAL: Conversion & extension of existing garage/barn to form 1 No 2 bedroom dwelling with garages. This application affects the character & appearance of the Angmering Conservation Area & affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of a roughly L-shaped 2 storey 2 bedroom house. Parking would be located within a flat roofed garage on the site frontage.
SITE AREA	.0892 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	11 dwellings per hectare
TOPOGRAPHY	Predominantly flat. The land is elevated approximately 1 metre from road level
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is an approximately 2 metre high flint wall to the front of the site other than where the garage building faces directly onto the highway. The flank wall of the garage makes up the bulk of the western boundary with the remainder being an approximately 2 metre high brick wall which continues around the northern boundary. The eastern boundary is currently open as the site is part of the garden of Littleworth House
SITE CHARACTERISTICS	Large garden area adjacent to a semi-detached cottage to the east and two storey dwelling (set back) to the west. Littleworth House has flint walls with brick dressings and plain tile roof. Carlton Cottage to the west is a substantial 2 storey modern house.
CHARACTER OF LOCALITY	The site is located within Angmering Conservation Area on a section of road which is lined by a mixture of two-storey buildings on the north side. Some of the buildings face directly onto the High Street whilst others,

generally the more modern buildings, are set back from the road.

RELEVANT SITE HISTORY

A/140/98/	Conversion and extension of existing garage to form a dwelling and construction of a garage to serve Littleworth House (this is an Outline Application)	Refused 08-04-1999 Appeal: Dismissed 13 08 1999	<i>Appealed</i>
A/164/04/	Renewal of unimplemented permission A/114/99 for the conversion & extension of existing garage to form dwelling	ApproveConditionally 10-01-2005	
A/135/09/	Renewal of unimplemented planning permission A/164/04/ for the conversion & extension of existing garage to form dwelling	ApproveConditionally 28-01-2010	

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection on the basis that the proposed development is not in accordance with the Angmering Neighbourhood Development Plan;

Design and external appearance of the building the proposed new structure is too large;

Effect on the Angmering Conservation Area the proposed new structure will materially alter its appearance;

Effect on neighbouring occupiers the construction of the proposed new structure will involve considerable disruption to the occupiers of Carlton Cottage, and the proposed new structure will be overbearing on them once completed.

One letter of Objection - The proposal would require the demolition and destruction of an ancient important village asset in contravention of policy GEN22 of Arun District Local Plan and would affect the adjacent property visually and financially.

The curtilage building has an 18th century flint party wall on the western boundary. The whole of the building would need to be demolished destroying a village heritage asset. The barn is attractive in its own right and should be retained.

If the recently approved residential development at Manor Nurseries goes ahead it will make an already narrow road narrower and make entry/exit into Littleworth barn/garage more hazardous. Exit from the existing garage is already difficult and dangerous. 2 additional cars using this concealed entrance would add to highway hazards.

An additional house on this site would be in excess of the neighbourhood plan requirements. It seems unlikely the current owner has any intention of implementing any planning consent. 16 years have passed since proposals were first submitted.

Comments on Representations received:

Comment on Parish Council Representation - Mainly agreed, but the effect of the development on the neighbouring property during construction is not a material planning consideration. The Parish Council does not refer to a specific policy that the proposal

conflicts with and there are no specific policies in Angmering Neighbourhood Plan relating to this type of development, but policy 'HDS: Built Form' does state that new developments must properly demonstrate how they have considered the impact of the proposed built form on their surrounding and they must integrate with both the character of nearby development as well as its landscape setting. It is therefore agreed that the proposal would conflict with the Neighbourhood Plan.

Comment on other representation - The barn structure is not a Building or Structure of Character on the local list and does not fall within the consideration of policy GEN22 of Arun District Local Plan.

CONSULTATIONS

Listed Building Officer
Conservation Officer
Building Control

Consultations responses received:

Historic Buildings Adviser - This scheme proposes to develop an historic barn within the grounds of Littleworth House and within the setting of other grade II listed buildings. The proposed development is also within the Angmering Conservation Area.

The resulting impacts of the development all appear detrimental to these heritage assets and as such are not in accordance with the spirit or intentions of the NPPF or current advice from English Heritage. Legislation and guidance has changed significantly since the previous application (2004) and as such requires fresh consideration in this instance. It should also be noted that as this scheme affects a curtilage-listed structure, Listed Building Consent is also required.

In terms of the principle of development, para 132 of the Framework (2012) requires that 'great weight should be given to [an] asset's conservation' and where significance is affected, 'harm or loss should require clear and convincing justification'. This includes harm to a building's setting. Any justification does not appear evident here.

Furthermore, given that the historic environment and its preservation is at the core of promoting sustainability within the Framework, it is not possible to support schemes that compromise an asset's special interest and reason for protection without significant and compelling public benefit.

The likely resulting harm from this scheme can be broken down as follows:

- a. Loss, or partial loss of historic fabric
- b. Domestication of a modest curtilage-listed outbuilding
- c. Inappropriate development affecting the setting of listed buildings
- d. Inappropriate development affecting the character of the Conservation Area

The loss of historic fabric is to be avoided wherever possible in accordance with English Heritage's PPS5 Practice Guidance (2010). The loss of fabric to the curtilage-listed barn would be a loss to the building but would also erode the special interest of the Conservation Area more generally.

The existing barn (garage) is typical of the types of historic outbuilding in the area which address the street scene directly. Its modest form and scale are important to its typology as well as to its relationship with Littleworth House which is a simple end of terrace building. The addition of a large domestic extension and features such as first floor double doors and a dormer window breaking the eaves would harm this dialogue and be highly inappropriate.

This development, along with a large flat roof garage is also likely to have a harmful impact on the setting of the neighbouring listed buildings. The experience of Littleworth House, Littleworth Cottage and The Spotted Cow are all likely to be affected by the scale and massing of the new building as approached from the west, whilst from the east, the approach into the Conservation Area is also likely to be harmed. Such impacts need to be assessed in accordance with English Heritage guidance, The Setting of Heritage Assets (2011). These are not evident here.

Within the grounds of Littleworth House, the experience of the listed building is also likely to be harmed by the presence of such a large and generic looking dwelling as well as the associated walling which divides the garden. The fact that this does not represent a public amenity is not relevant and thus carries similar weight.

Within the Conservation Area more generally, development must seek to conserve and enhance and where this is not demonstrated, schemes should be resisted. In this instance, the scale, massing and design of the extension facing onto the street scape is not sympathetic with the historic grain and its character, or the group value of the historic buildings which inform this part of the area.

For this reason and those above, this scheme is not capable of support.

Conservation Officer - The Conservation Area has semi-rural characteristics. The character is derived from the limited number of properties. Those on the northern side consist of a mixture of detached, semi-detached and detached units. Each is small in scale and constructed using local vernacular materials. These properties are mostly set back from the carriageway with self-contained front garden areas. The exception to this being the public house which is closer to the road.

The proposal is to infill an existing garden. The host property is statutorily listed. As a consequence the boundary walling and the garage are all curtilage listed.

The plans are not clear. It appears that the roof of the existing garage structure is to be removed and a new structure constructed on top of it. The proposal is substantial in size and would have a significant impact on the host property and the street scene.

An important element of the character of the area is the low density form of development with spacious grounds around. The garden plot creates an important visual separation between the properties and enhances the semi-rural character of the area. Development in this particular area would erode that important characteristic.

The development would adversely affect the setting of surrounding listed properties.

The proposal would not enhance the appearance of the Conservation Area.

Building Control Officer - The proposal will require approval under the Building Regulations. Any such application will need to demonstrate how the proposals will comply with the substantive requirements of the Building Regulations

Conservation Area Advisory Committee - Objection. Regret loss of the open space. A building would detract from the rural character of the area and the street scene

Comments on Consultation responses:

- comments noted and agreed

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Within Conservation Area
Adjacent to Grade II Listed Building

DEVELOPMENT PLAN POLICIES

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

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Conservation Areas
HER DM1 Listed Buildings
HER DM3 Conservation Areas
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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Littlehampton; Yapton. Policy HDS: Built Form is considered a relevant policy from Angmering 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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and would not preserve or enhance the appearance 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 proposal relates to the provision of a dwelling in the garden of a listed cottage which is located within the Conservation Area. The new dwelling would comprise conversion of a garage outbuilding within the curtilage of the dwelling. The site lies within the built up area boundary where the principle of residential development is acceptable. Indeed the site has benefitted from permission for a dwelling in this position utilising the existing curtilage structure since 1999 under A/114/99. This followed an appeal against A/140/98 which was dismissed.

However since the last renewal of permission A/135/09 on 28-01-2010, the National Planning Policy Framework (NPPF) (2012) has been published. Part 12 refers to Conserving and enhancing the historic environment. It is considered that the proposal conflicts with paragraphs 131 to 133. Para 132 of the Framework requires that 'great weight should be given to an asset's conservation' and where significance is affected, harm or loss should require clear and convincing justification. Such justification does not appear evident in this case.

The historic environment and its preservation is at the core of promoting sustainability within the Framework, it is not possible to support schemes that compromise an asset's special interest and reason for protection without significant and compelling public benefit.

The Historic Building's Adviser has identified the likely resulting harm from this scheme to be loss, or partial loss of historic fabric; domestication of a modest curtilage-listed outbuilding ; inappropriate development affecting the setting of listed buildings and inappropriate development affecting the character of the Conservation Area.

The proposal contains limited detail in relation to design and materials, but it is evident that the proposed dwelling would not be in keeping with its setting within a Conservation Area and that it would dominate the garden area of the existing listed cottage and completely consume and alter the appearance of a curtilage structure in a manner that does not respect the character or appearance of its historic setting.

In addition the Conservation Area is characterised by its semi-rural setting, with space between mainly older style dwellings of varying design and form which mainly front the road frontage and are set back a uniform distance from it. Given the width of the dwelling it would dominate the space which contributes to the character of the Conservation Area and would result in a prominent and discordant form of development close to the road frontage. The level of detail with regard to materials and design is limited and does not indicate that a dwelling that respects its historic setting can satisfactorily be accommodated on the site. For any development to be supported it would need to preserve and enhance the character of the area.

The proposal generally accords with the policies relating to internal and external space standards in the Emerging Plan. The rear garden depth of 6m is below the guideline of 10m, but space is provided to the side behind walling which is relatively secluded and this lack of depth of the rear garden is therefore considered acceptable.

The applicant has referred to the outline planning permission for residential development at Manor Nurseries and the walling opposite the site in High Street at Tall Trees as having an adverse impact on the character of the area and reducing its rural appearance to a greater extent than the proposed dwelling. The site is located on the north side of High Street, the approved residential development would be to the south and has no bearing on this small infill application. The walls opposite were considered separately and it was concluded that they were acceptable in this location. They are not directly comparable with the proposal which does not seek approval for additional boundary treatment.

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 (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 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 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

REFUSE

- 1 By reason of its significant footprint, scale, position and height the proposed dwelling would result in a prominent and obtrusive form of development which would erode and detract from the spacious character of the area. It would not preserve or enhance the character of the Conservation Area and would be damaging to the setting of the existing buildings of merit and interest within it and the proposal therefore conflicts with policies GEN7 and AREA2 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 **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 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 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.