

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

REF NO: A/40/17/HH

LOCATION: Avenals Barn
Water Lane
Angmering

PROPOSAL: Barn conversion ancillary to main dwelling (resubmission following A/90/13). This application affects the setting of a Listed Building

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. This is a re-submission of a previously approved application which has now expired A/90/13/.

The previous application for a barn conversion ancillary to the main dwelling is almost identical. The only changes to the originally approved scheme are the addition of oak trusses and a vaulted ceiling internally and the replacement of hardwood railings on the external balcony with clear glazed panels.

The footprint of the existing barn will remain largely unchanged although a timber framed terrace will be added to the northern elevation of the barn. The only other external changes will be in the form of removal of alterations to fenestration arrangements.

SITE AREA

1.13 hectares

TOPOGRAPHY

Downward slope running from south to north.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Approximately 1.2 metre high timber post and rail fencing with additional screening supplied by dense arrangement of mature trees, hedging and shrubbery around site boundary.

SITE CHARACTERISTICS

The site is occupied by a barn that has been converted into a residential dwelling. There is an extension to the western elevation which also forms part of the conversion. To the east is a storage barn, the subject of this application, which is attached to the main dwelling by way of an overhanging roof. There are further detached buildings on site used for storage and as garages. All the main buildings are flint walled with red brick quoins and

window dressings and slate roofs. Brick buttresses have been added to the northern and eastern elevations of the storage barn.

CHARACTER OF LOCALITY

The site is located outside of the built-up area and is set back from the highway, accessed by a private track.

RELEVANT SITE HISTORY

A/26/90	Conversion of redundant farm buildings into single dwelling unit	ApproveConditionally 28-03-1990
A/90/13/	Proposed barn conversion ancillary to main dwelling	ApproveConditionally 05-09-2013

A/90/13/ - Barn conversion ancillary to the main dwelling - Approved - 05/09/2013. The barn subject of this application was within the red line of the original residential permission.

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection

Comments on Representations received:

Noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Building Control

Consultations responses received:

Conservation Officer - The barn intended for residential conversion is within the curtilage of Avenals Farmhouse, which is a Grade II listed building of the early 19th century.

The present proposal is a resubmission of a previously consented scheme (A/90/13) for residential conversion of the barn and there is no further comment in terms of Policy HER DM1.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS A ROAD

OUTS BUILT AREA

SPEC CONT ADVTS

LB GRADE II

PD RESTRICTION

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>DEV2</u>	Conversion of Rural Buildings for Residential Use
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		HER DM1 Listed Buildings
		D DM1 Aspects of Form and Design Quality
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		Materials
Angmering Neighbourhood Plan 2014 POLICY HD4		

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 is 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 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.

Policy HD4 - Materials of the Angmering Neighbourhood Plan is considered to be of relevance to this application

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

LISTED/CA

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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 comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or 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 proposed development is outside of the built up area of Angmering and is therefore subject to policy GEN 3 Protection of the countryside. This policy states that development will not be permitted unless it is in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development. The principle of residential use of the barn as a DIY/Garden store ancillary to the original residential application A/26/90 has been established and therefore the proposed development is only subject to Policy DEV 19 - Extensions to existing residential properties as well as policy GEN 7 - The Form of New Development and policy HD4 - Materials of the Angmering Neighbourhood Plan. It is however considered imperative that a condition is attached to any given approval prohibiting the use of the converted building for any purposes other than those ancillary to the existing dwellinghouse and the occupants of it to avoid any additional development in the countryside due to the negative impact the increased density of residential development would have upon the peace and tranquility of the surrounding countryside and its unsustainable location. .

VISUAL AMENITY

The proposal will not significantly alter the external appearance of the building, with the main changes being the provision of a balcony on the northern elevation. It has been changed from a wooden post and rail balcony to a clear glazed balcony however this will improve the appearance of the building by allowing the flint work and other original features of the barn to be more visible. All distinctive features such as the wall buttresses will be retained. The building, in any case, is located on a well screened site set back from the road and, as such, the modest changes in appearance proposed will not adversely impact upon the character and appearance of the surrounding area. The materials of construction on the exterior of the building are to be high quality materials including traditional hard wood frames for windows and doors and conservation rooflights.

The impact of the proposed extension on the street scene is considered be harmonious, to respect and enhance local distinctiveness and to be subservient to the host property and thereby accord with policy GEN 7 (ii), DEV 19 of the Arun District Local Plan 2003 and policy HD4 of the Angmering Neighbourhood Plan

RESIDENTAL AMENITY

The building is set well away from boundaries shared with Avenals Farm, which is the only neighbouring residential property, and these boundaries are well screened by mature landscaping. It is therefore considered that the proposed change of use will not allow for invasive views towards that property. The modest scale of external works will also ensure that the building does not cause undue levels of overshadowing towards neighbouring property or appear overbearing.

No comments nor objections have been received from neighbouring properties. It is considered that the proposal is in accordance with policy GEN7 (iv) and policy DEV 19 (iii) of the Arun District

Local Plan 2003.

LISTED BUILDING

No objection has been received from the Conservation officer and the development is considered to preserve and enhance the appearance of the Listed Building and its setting however I would note that an additional Listed Building Consent would be required for the internal and external works proposed.

It is therefore recommended that the application is approved, 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 (right to respect 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 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

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;

Site Plan 1:500 received on 22/02/2017

Dwg.no. - 01 REV A AR-88/A - Proposed Elevations and Plans dated May 14

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 and DEV 19 of the Arun District Local Plan.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Avenals barn as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 4 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.

- 5 INFORMATIVE: Avenals Farmhouse and as a result all structures within its curtilage including Avenals Barn are part of the listed building which is listed as a Building of Special Architectural or Historic Interest and before any modifications or alterations, either externally or internally, which may affect its character as a Listed Building are carried out full details of the work shall be submitted to the Local Planning Authority in the form of an application for Listed Building Consent.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character and appearance of the Listed Building.