

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

REF NO: A/46/14/HH

LOCATION: Woodford Villas
2 High Street
Angmering

PROPOSAL: Retention of infill Brickwork to front boundary wall. This application affects the character and appearance of Angmering Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Site raised up from highway. Retaining wall to front boundary of the site adjoining public highway.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Retaining brick and flint wall to front boundary.
SITE CHARACTERISTICS	Mid terrace two storey dwelling, painted render elevations. Slate tiled roof with gable projection to the front elevation. Right of access to neighbouring properties across the front of site.
CHARACTER OF LOCALITY	Angmering Conservation Area, various types of historic and modern dwellings within the immediate locality. Commercial uses to the west.

RELEVANT SITE HISTORY

A/107/03/	Erection of 3 dwellings	Approved Cond + S106 27-04-2004
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REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection;

- Brickwork and terracotta sculpture are not in keeping with the character of the surrounding area

- Brickwork is of low quality and has not been properly keyed into existing wall
- Works have deprived neighbouring residents of lawful access from street

8 Letters of Objection:

- Objections raised to the blocking of lawful access for neighbouring properties and access rights.
- If owner is allowed to block the access it should be more in-keeping with the area.
- Chicken on top of the wall should be removed, not in-keeping with the locality.
- Lack of a clear access to all properties should warrant a refusal.
- Materials used do not match that of the existing wall.

Comments on Representations received:

The comments made regarding the lawful means of access being blocked are not a planning consideration. This is a civil matter which should be addressed by the affected parties. All other comments made are duly noted.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer:

I note that the works have been undertaken and consent is sought retrospectively. The proposal involved in-filling an existing pedestrian opening which provided access to residential properties. The existing walling either side of the new section is constructed from two different materials; brick to the left hand side and brick/flint to the right.

The walling plays a prominent part of the streetscene. However, as the opening has been in-filled with brick, the quality of the works should have been of a very high quality. Unfortunately, the new section of walling fails to link in to the existing walling and appears almost as if an afterthought. This is evidenced by the distinctive joints between the existing and new sections of walling, and is unfortunate.

If an application had been made prior to the works, if the proposal had been considered acceptable, a condition should have been placed regarding the quality of the works and for a sample of the walling to have been constructed for approval.

It is a shame that the opening had to be permanently in-filled as it is not known if this was a historic access point. An alternative approach would have been to close the opening with a gate or similar to enable the views through to the space beyond to remain.

Conservation Area Advisory Committee:

Objection; it would have been preferable if a gate be used so that the steps could still be seen. The materials used are not appropriate for the Conservation Area.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary
Conservation Area

DEVELOPMENT PLAN POLICIES

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

The Form of New Development

AREA2

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

Conservation Areas

D DM1 Aspects of Form and Quality
HER DM3 Conservation Areas

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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality.

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

PROPOSAL

The application seeks permission retrospectively to infill an existing set of steps to the front of the property with a red brick wall. The wall now forms part of the front boundary of the site and is also a retaining wall given the change in level between the properties curtilage and the public highway which the wall immediately abuts.

POLICY

Local Plan policy AREA2 requires development within the Conservation Area to either preserve or enhance its character. Policy HER DM3 within the Councils Emerging Local Plan further supports this and requires that alterations or additions to existing buildings to be sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area.

The National Planning Policy Framework further supports the preservation and enhancement of the historic environment under Section 12 of the framework.

IMPACT UPON THE CONSERVATION AREA

The proposed wall has already been constructed and is finished in red brick with red brick coping and a sculpture affixed to the top. The principle of infilling this section of wall is accepted, however the manner in which it has been completed is of a poor quality. The brick does not key into the existing wall and mortar fails to match, this has created a poor visual connection between the existing and proposed wall. As the wall is located within a Conservation Area a high standard of workmanship is required, however the proposed wall does achieve the high standards required. Accordingly the addition fails to conserve or enhance the appearance of the Conservation Area.

It is therefore recommended that the application be refused for the following reason.

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 and private 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 a neutral impact has 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 The proposed infill section of wall by means of its appearance and the quality of workmanship fails to preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore contrary to Arun District Local Plan Policies GEN7 and AREA2, emerging plan policy HER DM3 and Section 12 of the National Planning Policy Framework.