

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

REF NO: **A/87/17/HH**

LOCATION: The Old Cottage
 Station Road
 Angmering

PROPOSAL: Single storey rear extension under pitched roof

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed extension would measure 4.2m deep, 3.2m wide and 3.4m high (max). Proposed materials are brick and brown concrete tile.
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	Mature hedging to northern boundary, approximately 2.5 metres in height. Timber fencing to the rear, supplemented by mature trees.
SITE CHARACTERISTICS	Grade II Listed Building, flint elevations and red brick quoins, red tiled gable roof with two chimneys. Single pitch addition to south side. Detached garage to rear of property. Driveway to south side of dwelling. Outbuilding to the rear.
CHARACTER OF LOCALITY	Site located along Station Road, mix of types and styles of dwellings. Adjoining Grade II Listed Building with thatched roof. Line of mature trees along west side of highway, with properties beyond with a private access road. Residential estate to the west of the site.

RELEVANT SITE HISTORY

A/125/95/L	Application for Listed Building Consent to demolish existing garage and erect	ApproveConditionally
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	replacement in different position. Demolish and rebuild hard landscaping at rear of house.	20-12-1995
A/127/95	Demolish existing garage and erect replacement garage in different position. Demolish and rebuild hard landscaping at rear of house.	ApproveConditionally 20-12-1995
A/43/13/	Construction of oak framed garden treatment room and new garden shed. This application affects the setting of a Listed Building	ApproveConditionally 04-07-2013
A/44/13/L	Application for Listed Building Consent for the construction of an oak framed garden treatment room and new garden shed	ApproveConditionally 04-07-2013
A/130/13/DOC	Application for Approval of Details reserved by Conditions 2 and 3 imposed under A/44/13/L for details of materials and material samples.	DOC Approved 16-12-2013
PAA/132/16/	Rear single storey extension to Grade 2 Listed house.	Refuse Pre App 05-09-2016
A/88/17/L	Application for listed building consent for a single storey rear extension under pitched roof	ApproveConditionally 11-09-2017

There have been previous application for householder developments and listed building consent but none are directly relevant to the current proposal.

A pre application submission was made for the current proposal PAA/132/16/ the current proposal has been submitted in response to the Council's response.

REPRESENTATIONS

Representations received:

Angmering Parish Council

Angmering Parish Council has no objections

4 letters of objection have been received and their content is summarised as follows:

1. The application site incorporates land used by neighbouring property for a number of years and it is considered that owner of Old Mill House has adverse possession.
2. The application will demolish boundary wall and damage plants and garden of the adjoining property Old Mill House. Builders may access neighbouring garden.
3. The applicants had not advised the adjoining occupiers of intention to submit current application
4. Old Mil House, Station Road is a thatched historic grade 2 listed property which is adjoined to the Old Cottage.
5. Use of shared drive by builders blocking use of garage
6. Confusion regarding the date for consultation response on the site notice
7. Loss of light to neighbouring property
8. Development would be out of keeping and harmful to the character of the listed building.

Comments on Representations received:

Comments are noted and the amenity issues and character issues are addressed in the conclusions below.

With regard to the boundary dispute and adverse possession together with any damage or use of neighbouring land including blocking access to garage. These are unfortunately not material planning considerations. It is pointed out that planning permission does not override other property rights and as such if permission is granted the above civil matters may still need to be addressed other processes.

Regarding the site notice the comment is accepted and on identifying the error a new site notice was posted providing an additional 21 days for consultation which expired on 28 July 2017.

CONSULTATIONS

Listed Building Officer

Consultations responses received:

Historic Buildings Officer responded as follows:

Martyn and I have looked at this and are of the view that whilst the scale and form of the extension is acceptable, the design of the main elevation is not. This needs to be improved, especially with regards to the brick and flintwork which is overly complex.

I would recommend that they omit the flint and build it all in brick, either in Flemish or English bond - please condition.

The windows and doors should be painted timber - please condition.

Glazing can be a slim double glazed system (10-12mm). Please condition with rooflights.

Additional comments dated 30.08.2017:

Thank you for the revised drawings showing amendments to the extension. Given the improvements to the south elevation we are now in a position to support this design.

We will require a condition for the brickwork and to this end you might want to consider Flemish or English bond which will add some interest without being too complicated.

Comments on Consultation responses:

Comments noted and the applicant has submitted amended plans and information to address these points. The condition relating to the sample panel has been included in the listed building consent application (A/88/17/L).

POLICY CONTEXT

Designation applicable to site:
Grade II Listed Building
Within the built-up area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
DEV19

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

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to

	Existing Buildings (residential and non-residential)
	D SP1 Design
	HER DM1 Listed Buildings
	SD SP2 Built-Up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design

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.

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The relevant policies of the Angmering NP have been taken into account.

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.

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 application site is located within a built up area where the principle of extensions is acceptable subject to compliance with other policies relating to scale and form and impact upon the amenity of adjoining occupiers. In addition, in this case the property is a listed building and the impact upon the heritage asset is a material consideration

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. Further Policy DEV19 indicates planning permission will only be granted for extensions to existing residential buildings provided that

- (i) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;
- (ii) the extension is visually subservient to the main building;
- (iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (iv) in streets characterised by relatively small gaps at first floor level between any buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;
- (v) the extension does not compromise the established spatial character and pattern.

Of particular note, the policy places an emphasis on extensions being visually integrated with the existing dwelling in terms of siting, design, form, scale and materials, and being visually subservient to the main building. It is noted that the scheme has been revised since the pre application. The current proposal would extend off the existing rear addition by 4.2m and as such give a cumulative depth of 7.8m. However, it is considered that given the width and height of the extension that the proposed scheme would relate appropriately to the existing building. Of significance in this conclusion is the response of the Council's Historic Building Adviser who has raised no objection to the principle of the development but has suggested amendments to the design and materials. These have been accepted by the applicant and can be reinforced by means of a planning condition. Therefore, on balance it is not considered that the proposed development would be harmful to the character and appearance of the area or the host building and its historic significance.

With regard to amenity issues the proposed extension is built up to the boundary of the site with Old Mil House to the north. It is noted that this property has a kitchen window and conservatory at the rear as confirmed by the representations submitted, however, it is considered that these features would be impacted upon by the existing rear addition on the application property. Therefore, whilst increasing the depth of the extension the proposed development is not considered to significantly worsen this situation. The height to eaves at the boundary is 2.1m albeit with a parapet wall adding an additional 0.25m, the roof slopes away from the boundary. Whilst the application will lead to a structure extending 7.8m into the rear it is noted that the neighbouring property has a relatively deep garden area and as such the proposal is not considered to have an adverse impact due to being unduly dominant and creating an unacceptable sense of enclosure

As such it is not considered that a reason of refusal could be justified in relation to impact upon the amenity of the adjoining occupiers due to loss of privacy, light or outlook.

Therefore, in summary it is considered that the proposed single storey rear extension by virtue of its size, design and location is considered to appear visually integrated and subservient to the host dwelling nor harmful to the character and appearance of the listed building. The proposal by

virtue of its design and location is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on neighbours. Therefore, the proposal would comply with adopted policies in the Arun Local Plan and the Angmering Neighbourhood Plan. Accordingly the application is 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 (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 15264/01aR4, 15264/01R1, 15264/02a & 15264/02R8

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 No development above damp proof course (DPC) level shall take place unless samples

of such materials to be used for external walls and roofs of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 All brickwork on the extension hereby approved shall be constructed in English Bond pattern

Reason: To ensure that the internal and external appearance of the building is satisfactory and in keeping with the character and appearance of the listed building in accordance with the National Planning Policy Framework

- 5 All windows including the roof lights should be constructed of timber and painted and fitted with slim double-glazing (10-12mm) where required.

Reason: To ensure that the internal and external appearance of the building is satisfactory and in keeping with the character and appearance of the listed building in accordance with the National Planning Policy Framework

- 6 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.

- 7 INFORMATIVE: The Old Cottage, Station Road, Angmering 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.