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

REF NO: **A/99/14/HH**

LOCATION: 2 Woodford Villas
High Street
Angmering

PROPOSAL: Removal and reconstruction of part of the front boundary wall (resubmission following A/46/14/HH). This application affects the character and appearance of the Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 130 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	The site is above road level.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick and natural stone walling to front. Vertical wooden fencing along front side boundaries.
SITE CHARACTERISTICS	A two storey mid-terrace property with rough rendered elevations painted white. The roof is pitched with slate roof tiles.
CHARACTER OF LOCALITY	Predominantly residential in character, there are two storey terraced properties and flats in the immediate vicinity.

RELEVANT SITE HISTORY

A/107/03/	Erection of 3 dwellings	Approved Cond + S106 27-04-2004
A/46/14/HH	Retention of infill Brickwork to front boundary wall. This application affects the character and appearance of Angmering Conservation Area	Refused 23-05-2014

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection.
*No objection to the works on planning grounds, but the Parish Council notes receipt of a number of complaints regarding obstruction of lawful access to neighbouring properties by the wall already in situ, to which A/46/14/HH relates.

Five letters of objection.
*Any wall built in this location will block a historic access to 5no. other properties.
*The original steps that were in place before the red bricked wall was built were in keeping with a conservation area.
*Original objections made at the time of the retrospective planning application A/46/14/HH remain valid.
*Wall is too high.
*The wall obstructs steps leading to the property which were an architectural feature and should be reinstated.
*Brickwork does not match existing which causes it to appear unsightly.

Comments on Representations received:

Comments noted. However, the proposal is not for the retention of the existing section of brick walling which formed the subject of previous application A/46/14/HH but is for a replacement section that is the same height and design as the existing section to the west. That said, the replacement walling is still considered to be unacceptable in design terms for the reasons set out in the Conclusions section of this report.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer
It is considered unfortunate for the opening to be permanently in-filled. An alternative, more acceptable approach could be to close the opening with a gate or similar means of enclosure to enable the views through to the space beyond to remain. It is not clear if any research has been undertaken as to the wall and its associations with the properties and the local area. For instance, was it a historic access point, or added much later to provide easy access for the residents. Further clarification should be sought so that a full assessment of the impact of the works can be undertaken (this is not part of the submitted application). The loss of the access point will be problematic if it can be proven to have associations with the residential development behind it.

Conservation Area Advisory Committee
Objection
No improvement on the previous application.

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:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character

AREA2	Conservation Areas
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality HER DM3 Conservation Areas HER DM2 Locally Listed Buildings or Structures of Character

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 214 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:
i. the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
ii. 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);
iii. 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.

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).

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 neither preserves nor enhances the character and 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

PRINCIPLE
The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan under policies GEN7 and AREA2 which seek to prevent development that would have an adverse impact upon visual and residential amenities and either preserves or enhances the character and appearance of the Conservation Area.

DESIGN AND VISUAL AMENITY
This application is for the removal and reconstruction of a section of front boundary brick walling. The wall has also been the subject of previous planning application A/46/14/HH which sought the retention of the existing section but was found to be unacceptable in design terms and so the application was Refused. This application considers a replacement section comprising of new brickwork to the same height as the existing walling on either side and which will be toothed and bonded at the western end for better integration. The decorative cockerel that sits on the wall is to be omitted in this scheme compared to A/46/14/HH.

The Conservation Officer has concerns with the proposal considering it to be unfortunate for the opening to be permanently in-filled. It is also not clear if any research has been undertaken as to the wall and its associations with the properties and the local area including whether it was a historic access point. It is considered that a full assessment of the impact of the works should have been undertaken and has not formed part of the submitted application. It is further

considered that the loss of the access point will be problematic if it can be proven to have associations with the residential development behind it.

It is therefore considered that the proposed replacement section of walling is unacceptable in design terms and neither preserves nor enhances the character and appearance of the Conservation Area. It therefore conflicts with policies GEN7(ii) and AREA2 of the Arun District Local Plan.

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

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 private and family life) and 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, 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 replacement front boundary wall section by reason of it in-filling a previous access point would cause unacceptable harm to the visual amenities of the site and neither preserves nor enhances the character and appearance of the Conservation Area and in the absence of insufficient information submitted with the application regarding the wall and its associations with Woodford Villas and the local area including whether it was a historic access point has not been sufficiently justified which is in conflict with policies GEN7 and AREA2 of the Arun District Local Plan and policies D DM1 and HER DM3 of the Emerging 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 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.