

Recommendation Report for Planning Permission

REF NO: BE/114/20/PL

LOCATION: Beech Cottage
99A North Bersted Street
Bersted
PO22 9AF

PROPOSAL: Variation of condition 2-plans condition imposed under BE/56/20/HH.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary the design of the property that was approved under BE/56/20/HH.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow.
CHARACTER OF LOCALITY	The area is predominantly residential , located just outside of North Bersted Conservation Area.

RELEVANT SITE HISTORY

BE/56/20/HH	Conversion of roofspace to habitable use to include 2 x front dormers, 1 x rear dormer and 2 x front rooflights. This application may affect the setting of a Listed Building.	ApproveConditionally 18-08-20
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Permission was approved for similar works in August 2020 and this application seeks to vary the approved plans.

REPRESENTATIONS

Bersted Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Bersted Neighbourhood Plan 2014 Policy ES1](#) Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Bersted has a made Neighbourhood Plan with policy ES1 of relevance to the application. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY

The proposal seeks to vary the plans which relate to the appearance of the dwelling and approved under BE/56/20/HH.

The property is accessed via a private road and as such is not visible from the wider area.

The proposal seeks to construct dormers however the size and numbers are to be reduced from that previously approved.

There are 2 dormers proposed to the northern elevation, these will however be reduced in size compared to that which have already been approved and as such is not considered to result in an adverse appearance. A dormer was also proposed to the rear elevation however this is to be removed.

Due to the siting of the development and its reduction in scale, it is considered to accord with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The dormers to the front have been slightly reduced in scale. The previous permission also approved 1 dormer to the rear elevation, however this has been removed. There was condition included on the previous application ensuring the rear dormer had obscured glazing however with the dormer removed, this is no longer necessary.

There are no properties to the north or west of the property and there is sufficient planting surrounding all boundaries and with no nearby neighbouring properties the development is not considered to result in adverse overbearing or overshadowing.

Due to the siting of the proposal, it is not considered to harm amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 and D DM4 of the Arun Local Plan.

IMPACT ON LISTED BUILDINGS

The proposal is situated just outside of the boundary of the North Bersted Conservation Area which also consists a number of Listed Buildings. As a result the impact of the development upon the heritage assets needs to be considered.

Para 189 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The heritage asset is of some significance.

Para 190 requires the LPA consider the significance of the impact upon that heritage asset. The proposal is considered to have a limited impact on the significance of the heritage asset as a result of the proposal being some 70m away from the asset and due to its siting, is not visible from the wider area. The dormers have also been reduced in size from that previously approved.

The development is therefore considered to result in no harm to the heritage assets.

SUMMARY

It is therefore recommended that planning permission be granted in accordance with the following conditions and informatives. It should be noted that these conditions reflect those attached to BE/56/20/HH and have been updated to reflect the development plan and the current proposed plans.

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 18/8/2020 (being the date that planning permission was granted for BE/56/20/HH).

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
 - Location Plan
 - Proposed Elevations - 17 A
 - Proposed Floor Plan - 19 A

 Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission BE/56/20/HH only. The applicant is advised and reminded that the planning conditions attached to the original planning permission remain in force and must be complied with.
- 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.