

Recommendation Report for Planning Permission**REF NO:** BN/22/12/**LOCATION:** Highground Orchards
Highground Lane
Barnham Bognor Regis**PROPOSAL:** Replacement of velux window with dormer windows in 4 No holiday lets**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal is to insert dormer in replacement of the larger rooflights. On Bramley, Crab Apple and Pippin it is on the front elevation facing onto the field, and Russet facing onto the courtyard.
SITE AREA	3 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedgerow around the field and fencing around the site frontage with the dwelling and along the access road. Flint panel wall screening from the offices.
SITE CHARACTERISTICS	The flint barns are a small group of former barns which have been converted to holiday lets. Tiled roofs. The site is screened by hedging along the access road and all proposed dormers face into the site.
CHARACTER OF LOCALITY	Rural lane. The site was formerly an orchard and the various buildings on site have been converted into holiday cottages.

RELEVANT SITE HISTORY

BN/22/06/	Detailed planning application for replacement of former agricultural buildings to form four holiday cottages and associated office (Departure from the Development Plan)	NON DET APPEAL 19-10-2006 Appeal: Withdrawn 15 01 2007
BN/67/06/	Detailed planning application for replacement of former agricultural buildings with four holiday cottages and associated office. Re-submission of BN/22/06. (Departure from the Development Plan).	Approve Conditionally 10-01-2007

REPRESENTATIONS

Representations received:

Barnham Parish Council

No objection.

Others:

None.

Comments on Representations received:

Noted.

CONSULTATIONS

Listed Building Officer

Consultations responses received:

Historic Buildings Advisor:

No objection:

Three of the four buildings affected in the application appear from historic mapping to date from between 1912 and 1932. Whilst of no great age they appear to be traditional in construction and would have been simple in form. Unfortunately later changes have allowed these buildings to become overtly domestic in appearance, to the extent that their earlier character is not easily legible. Whilst further alteration such as dormer windows will effectively contribute to this, a combination of their later date and altered state would render them of little architectural or historic merit. The nature of the changes are also unlikely to be reversed due to the amenity they now provide. On this basis the scheme is not being opposed.

Comments on Consultation responses:

Noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Outside the Built up Area Boundary

Southern Water Interest

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)

[GEN7](#)

Protection of the Countryside

The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

PLANNING

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 and the South East Plan adopted in 2009. It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009. In accordance with paragraph 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Government clear policy intention to revoke regional strategies. Paragraph 214 of the NPPF

ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

DELETE INAPPROPRIATE PARAGRAPHS AND AMEND THE REQUIRED PARAGRAPH
(REMOVE HEADINGS AND AMEND TEXT IF NECESSARY)

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

PRINCIPLE:

The site lies outside the built up area boundary where development should be sensitive to the countryside location.

VISUAL AMENITY:

The holiday lets cannot be seen from the road, they are screened from the access road by high hedging and fencing. The dormer windows would be a visual enhancement on the buildings as they break up the run of roof lights. Dormer windows are more residential in appearance, however, the four units with their curtilage and garden space, do appear more residential than barn in appearance, therefore the proposed dormer windows would not harm the appearance of the building. the Historic Buildings Adviser has agreed that the previous alterations to the buildings have lost the original integrity of the barns and therefore has raised no objections.

RESIDENTIAL AMENITY:

The site is well screened from the neighbouring property at Orchard End. The proposed dormers all face into the site apart from the window at Crab Apple which faces onto the access road. Therefore the dormers will look onto the field and therefore will not overlook any residential

property. At Crab Apple the proposed dormer does not create any potential for direct overlooking of Orchard House which is approximately 35m south.

SUMMARY:

The proposed dormer windows are not considered to harm the surrounding environment, there is no significant loss of residential amenity. The dormers are considered to be a visual enhancement and therefore it is recommended that the application is approved with the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 none the following impacts (negative, Neutral or positive) 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).

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 location plan, drawing number 06.2012/04, 06.2012/15, 06.2012/16, 06.2012/17, 06.2012/18, 06.2012/19, 06.2012/13, 06.2012/05, 06.2012/06.

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

3 **INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010**

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.