

PLANNING APPLICATION REPORT**REF NO:** B/33/10/**LOCATION:** Ilex Cottage
The Street
Burpham**PROPOSAL:** New replacement dwelling to include demolition of existing building**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application is for the construction of 1No. replacement dwelling, which is to have a ground floor area of 179.57 square metres. The dwelling proposed is of a traditional design.
SITE AREA	0.0824 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Rear garden slopes down away from the dwelling.
TREES	Many within the site with 2 mature trees to front of site 1No. Evergreen Oak and 1No. Beech tree.
BOUNDARY TREATMENT	Flint wall to front boundary approximately 1.4m in height. Mature hedging and trees and various fencing enclosing the side and rear boundaries, some 3-4m in height.
SITE CHARACTERISTICS	Detached 1 1/2 storey dwelling, timber clad elevation on brick plinth. 1/2 hipped thatched roof. Gable porch section to north-west elevation. Detached timber clad garage with a gable red tiled roof. 2 eyebrow dormers to the rear elevation and 1st floor windows to both the south-west and north-east (side) elevations.
CHARACTER OF LOCALITY	Sited within the Burpham Conservation Area, characterised by detached dwellings with a mix of types and styles of historic and modern dwellings. The dwellings also vary in scale together with there proximity to the highway. Rural appearance to street scene.

RELEVANT SITE HISTORY

B/2/97	Proposed demolition and re-building of garage	Approve Cond 27-03-1997
B/34/10/CA	Conservation area consent for new replacement dwelling to include demolition of existing building	Approve Cond 21-12-2010

REPRESENTATIONS

Representations received:

Awaited.

1 Letter of Representation:

No objection to the building itself, but concern with regard to the narrowness of the lane. Any large vehicle combined with residents parking will make it impossible to pass down the lane.

Comments on Representations received:

The construction phase and parking of contractor and delivery vehicles is not a consideration of this application.

CONSULTATIONS

Conservation Area Advisory Com
Council's Arboriculturalist

Consultations responses received:

Conservation Area Advisory Committee:
No objection (Improvement).

Councils Arborist:

The trees of most significance within the grounds of this proposed re-build project are the Beech and Evergreen Oak, located to the front of the property and adjacent to the highway. Barrel Tree Consultants have rightly scored both trees highly within Appendix 3, as category 'A', however, their location isn't ideal as they could restrict vehicular access from the road due to an encroachment into their Root Protection Areas (RPA). The Tree Consultant has addressed this issue by highlighting special precautions within a shaded zone as seen in plan 10116-BT1 and this must be adhered to. The ground is raised near to the main stems of both trees and the level tapers from an approximate height of 0.45m to meet the existing highway surface. There are visible surface roots through the shingle layer of the driveway and any surface reduction for a new surface would affect these and the subsequently the health of the trees. Therefore any special surface will need to be raised to incorporate the evident underlying roots and taper without excavation.

It is recommended that a Council representative is available to inspect the site to ensure that all tree works and protective measures, including fencing and ground protection are satisfactory before the commencement of demolition and construction activities.

The upgrading and installation of new services should be carried out using 'trenchless' technology as recommended in the Consultants report section 4.3.3. and form part of a Planning condition.

It would appear that all advice within the tree consultant's report with particular reference to tree protection measures and recommendation for works are appropriate and its guidance should form part of the planning conditions.

Comments on Consultation responses:

Comments noted. Suggested conditions to be attached to approval.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary

Burpham Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment

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 together with regard to the character and appearance of the Conservation Area.

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 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.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area and therefore the character of the area is preserved.

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 proposed application seeks permission for the demolition of an existing dwelling and the construction of 1No. detached dwelling sited within the Burpham Conservation Area. The Conservation Area is characterised by various types and styles of 1 and 2 storey dwellings which

are varying in scale and proximity to the highway.

CONSERVATION AREA AND NATIONAL PARK

The proposed dwelling would be of a traditional design and constructed from materials which are considered to be sympathetic and in-keeping with the character and appearance of the Conservation Area. Although the dwelling is to be set further back within the site than the existing, given the layout and position of other dwellings in the street scene this would not be out of character and the dwelling is considered by way of its siting and design to be a visual enhancement within the surrounding Conservation Area and South Downs National Park.

The 2 trees to the front of the site, namely 1No. Beech tree and 1No. Evergreen Oak are proposed to be protected during the construction phase of the replacement dwelling. The trees value to the appearance of the Conservation Area is undoubted and therefore to ensure they are not damaged a condition requiring protective fencing to be in place for the duration of the works on site as well as works to be in accordance with the submitted Arboriculturalist report is considered appropriate.

AMENITY

The proposed dwelling is to be set back further within the site and is to have a greater footprint to that of the existing dwelling. Nevertheless the site is considered to be of an acceptable scale to accommodate the proposal without detriment to the private amenity of the future occupiers or those of the adjoining dwellings.

The application does propose secondary windows at 1st floor level to the side elevations, however the existing dwelling had windows within this position therefore as they are only secondary windows they are not considered to give rise to unacceptable overlooking of the properties 'The Leat' and 'Flints'.

SUMMARY

The proposed dwelling by means of its design is considered to be of a visual enhancement to that of the existing dwelling, contributing to the character of the Conservation Area. The dwelling would maintain a minimum distance of some 2.1m from the shared boundaries to the north-east and south-west boundaries as well as only secondary windows at 1st floor level to the side elevations. This would ensure that the dwelling does not result in unacceptable loss amenity to the neighbouring properties by way of an overbearing impact, overlooking or loss of light.

It is therefore recommended that the application be approved subject to the following conditions.

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 This permission relates to the following approved plans:

Drawing No. 31/01; 31/06; 31/02A; 31/03D; 31/04E; 31/10C; 31/11B; 31/12A; 31/13B; 31/005; 31/14B; 31/07; 31/09; 09729_G Rev A; 09729_1 Rev A; 09729_E Rev A; 09729_R Rev A; 09729_S Rev A; and 09729 Rev A.

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 No development, including site works of any description, shall take place on the site unless and until the Beech and Evergreen Oak tree which are to be retained to the front of the site have been protected by a fence in accordance with the Arboricultural Impact Appraisal and Method Statement Dated 30th April 2010, Ref: 10116-AIA-DC. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. The upgrading and installation of new services should be carried out using 'trenchless' technology as recommended in the Consultants report section 4.3.3.

Reason: To ensure the retention and maintenance of trees which is an important feature of the Conservation Area in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed dwelling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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

B/33/10/

LOCAL PLAN: GEN3, GEN7, AREA2

NATIONAL POLICIES: PPS1, PPS3, PPS5

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