

Recommendation Report for Planning Permission

REF NO: EP/160/18/PL

LOCATION: 11 Beechlands Close
East Preston
BN16 1JT

PROPOSAL: Variation of condition No.3 imposed under planning reference no: EP/45/17/HH relating to the proposed materials

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Condition 3 of the planning permission for EP/45/17/HH states "The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building".
	The roof tiles used, smooth grey Marley modern, are not those that were previously present in the roof and therefore in breach of the above condition.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Double garage along west boundary with Chestnut Court and 1.8 metre close boarded fence.
SITE CHARACTERISTICS	A recently extended chalet style detached bungalow with rooms in the roof space. The property is located on a dog leg at the end of Beechlands Close.
CHARACTER OF LOCALITY	A cul de sac of bungalow properties in a residential area.

RELEVANT SITE HISTORY

EP/45/17/HH	Construction of new pitched roof to existing bungalow with dormer windows to east and west roof slopes, extension to south-east and porch extension	ApproveConditionally 15-05-17
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection. The colour chosen for the roof is not in keeping with other properties in Beechlands Close.

East Preston and Kingston Preservation Society - Objection. This application represents a blatant

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attempt to override the planning system. This condition is clear and explicit. The applicant has instead roofed the house with grey tiles which are alien to the surroundings. If the system is to retain credibility, this application should be refused, and the applicant should be required to roof the house with tiles which meet the conditions imposed when EP/45/17/HH was approved. If conditions are imposed, they must be enforced.

7 letters of objection. 6 of these from 2 residents. The following points have been raised:

- Builders working on a Sunday and using abusive language to neighbours.
- Rushing the reroofing work to avoid action being taken by the Council.
- Outlook from properties in Vermont Way shows that tiles used are unsuitable.
- The roof tiles placed on this new building match neither the colour nor the texture of the existing tiles.
- The new building itself does not blend into the environment of the surrounding properties.
- The roof colour of black tiles makes it stand out even more and clashes very badly with surrounding properties.
- Tiles of similar colour to the surrounding properties would tend to allow this hideous property to blend a little bit into the surrounding area rather than exaggerate this dreadful carbuncle.

COMMENTS ON REPRESENTATIONS RECEIVED:

The behaviour and working hours of those employed on site cannot be controlled by the planning system. All other matters raised by the Parish Council and objectors will be addressed in the conclusions section.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

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

<u>East Preston Neighbourhood Plan 2014 Policy 1</u>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
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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.

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.

The relevant policies in the East Preston Neighbourhood Plan have been taken into account.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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 main criteria against which this application will be assessed are contained within the Arun Local Plan which in this case are policies D SP1, D D DM1 & D DM4 which seek to protect the character of the host building and the locality within which development is proposed as well as the residential amenities enjoyed by neighbouring residents.

Policies 1 and 3 of the East Preston Neighbourhood Plan are also key considerations in the determination of this application. Their aim, in the case of this application, is to ensure that materials of all development proposals, including alterations to existing buildings, reflect the surrounding buildings.

DESIGN AND VISUAL AMENITY

The re roofing that has taken place has altered the appearance of the host dwelling and it needs to be determined to what extent this change has affected/harmed the character and appearance of the immediate locality.

The location of the application dwelling is such that it can be prominently viewed within Beechlands

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Close to the front and certain points/residents of Vermont Way to the rear. These surrounding properties within the close have roofs with uniform materials (light brown tiles) providing the immediate area with a consistent/uniform roof line and appearance. The re-roofing of the application property is in direct contrast with the roof materials/colour of surrounding properties with its dark grey smooth shine finish tiles.

The extent of visual contrast in the area is enhanced by the fact that the application site roof is extensive and dominant given the increase in roof mass and height resulting from permission EP/45/17/HH.

The prominence of the roof within its surroundings and the extensive coverage of sharply contrasting tiles has unacceptably harmed the character and appearance of the immediate locality in conflict with policies D DM1 and D DM4 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.

CONCLUSION

For the above reasons the roof tiles used are having an unacceptable impact on the character and appearance of the area and the application is therefore recommended for refusal for the following reason.

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

REFUSE

- 1 The roof tiles by virtue of their colour and finish result in a dwelling that is at odds with the prevailing the character and appearance of this established residential area contrary to policies D DM1, D DM4 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.

- 2 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason 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.

