

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

REF NO: FP/257/18/HH

LOCATION: 16 Vicarage Lane
Felpham
PO22 7DZ

PROPOSAL: Alterations to form new 2nd floor with front & rear dormer projections - Resubmission of FP/104/18/HH. This application affects the setting of a Grade 2 Listed Building

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Planning permission exists under FP/104/18/HH to extend the property particularly through roof alterations. The current application seeks to amend the previously approved permission by adding 4 dormer windows to the front elevation. It is proposed to create two new large bedrooms within the attic space. 3 flat roofed dormers will be added to the rear as previously approved.

RELEVANT SITE HISTORY

FP/104/18/HH	Roof alterations to form new 2nd floor with rear dormer projections. This application may affect the setting of a Grade 2 Listed Building and the Character and Appearance of the Felpham Conservation Area.	ApproveConditionally 21-09-18
--------------	--	----------------------------------

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Objection - not in keeping with the street scene - see comments on previous application

Comments on original application: "Over development of site, view into Conservation Area would be adversely affected - Insufficient infrastructure for parking. Not in keeping with street scene."

Following revisions (lowering of the roof height, omission of front dormers), the Parish Council maintained their objection but solely on the grounds of insufficient parking: "Please note that although the revised roof plans removes the Committees objection to the number of dormers overlooking the conservation area, there will still be an increase in the number of bedrooms and therefore our objection to lack of parking infrastructure should still stand."

1 letter of objection:- Objected to original plan. Dormers would be intrusive and detrimental to character of area. Potential to create more traffic.

The comments of the Parish Council are noted. The significant change from the previous application is the proposed dormers to the front elevation. Consideration is given to the impact of the dormers elsewhere in the report.

CONSULTATION RESPONSES RECEIVED:

The property is opposite the Felpham Conservation Area, and diagonally opposite a Grade II Listed Building. The Conservation Area has a general informality in terms of its character with a number of attractive two storey cottages. The listed building opposite the site is described as C18 or earlier, 2 storeys with casement windows. It is faced with flints with red brick dressings end quoins. It has a hipped thatched roof, along with 2 modern gabled projections

The property subject to this application is already raised from the road surface, and is fairly dominant in the street-scene. It is considered that addition of the front dormers and the raising of the roof height would result in a dominating impact on the street scene.

This impact would then lead to harm to the settings of both of the heritage assets identified earlier in this response. The impact is such that it can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of section 66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class C Road;
Tree Preservation Order;
PD Restriction;
Affects the setting of the Felpham Conservation Area; and
Affects the setting of a Grade II Listed Building (7 Vicarage Lane).

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
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

Felpham Neighbourhood Plan 2014 POLICY ESD5 Surface water management

Felpham Neighbourhood Plan 2014 POLICY ESD7 Felpham conservation area

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**THE SITE:**

Large two storey dwelling which almost fills the width of the plot. White rendered with a brown clay tiled roof. Existing two storey hipped front projection and single storey forward projecting garage on the western side. Flat site but approximately half a metre higher than the road. Black painted metal railings and some hedging to the front. Trees/hedging to other boundaries. Parking consists of a double garage and a large front parking area on which, at the time of the visit, there were parked one car, two motorbikes and two work cars - with space left over for further vehicles. There are no trees affected by the proposals.

Predominantly residential road with other large or characterful houses. Diagonally opposite a Grade II Listed Building. The Felpham Conservation Area begins on the opposite side of Vicarage Lane. The neighbour on the east side has four first floor flank windows but none are considered to be principal windows. To the west lies a community centre. The nearest neighbour to the rear is a significant distance away. There are no other front dormers in the immediate streetscene but it is noted that no. 15 on the eastern side has a very high ridge.

RESPONSE TO REPRESENTATIONS:

The concerns of the Parish Council will be considered elsewhere in these conclusions.

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as design, impact on heritage assets, residential amenity and parking.

IMPACT ON HERITAGE ASSETS:

Arun Local Plan policy HER DM3, sets out the following (relevant) criteria in respect of development affecting Conservation Areas:

- (b) Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area; and
- (f) It does not harm important views into, out of or within the Conservation Area.

In addition ALP policy HER DM1 is relevant and states that proposals should protect, and where possible enhance the setting of the building.

FNDP policies ESD6 & ESD7 are also relevant. Policy ESD6 states that development proposals will be expected to retain or enhance the local distinctiveness of the building and that the removal of part or all of them will not be permitted unless it can be demonstrated that they cannot be put to a beneficial or

viable use. Policy ESD7 simply states that proposals in conservation areas will be dealt with in accordance with ALP policy HER DM3.

It is also necessary to consider the policy guidance within the National Planning Policy Framework (NPPF) which sets out several steps when considering the impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196). The applicants have not provided a Heritage Statement.

The Councils expert on heritage issues, (Conservation Officer) gave verbal advice on the previous application that addition of the front dormers and the raising of the roof height would result in a dominating impact on the street scene. It was considered that this would then lead to harm to (a) the setting of the Conservation Area opposite; and (b) the setting of the Grade 2 Listed Building diagonally opposite. This was put to the applicant who agreed to lowering the ridge by 0.8m and removing the front dormers.

The Councils Conservation Officer has assessed this proposal and the comments provided are set out in full on the Councils website and summarised above. In short, the Conservation Officer considers that the proposal will result in harm to the designated heritage assets but that the level of harm is less than substantial. Therefore, para 196 of the NPPF is brought into play. This states that: "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

According to the Planning Practice Guidance, such benefits should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, they do not always have to be visible or accessible to the public to be genuine public benefits. Public benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

In this case there are no public benefits arising from the proposal. The benefits are merely to the private interests of the applicant.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

It is therefore considered that the proposal, by reason of the addition of the dormers, conflicts with ALP policies HER DM1 & HER DM3 and with policy ESD7 of the FNDP and the requirements of the NPPF.

DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building

materials, craftsmanship and hard and soft landscaping to reflect the local area";

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D DM4 refers to extensions to existing buildings. It states that:

"When considering applications for extensions and alterations to existing buildings, the Council will require that:-

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition."

Policy ESD1 of the FNDP states that: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location."

It is not considered that the extensions are subservient to the main building but the majority have been approved with the exception of the front dormers. The front dormers, by reason of their number, size and position of the dormers, will cause harm to the character of the area

It is therefore considered that the proposal conflicts with ALP policies D DM1 & D DM4 and with policy ESD1 of the FNDP.

RESIDENTIAL AMENITY:

Part C of ALP policy D DM4 states that the extension or alteration must not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. In addition, part 3 of policy D DM1 states that: "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

It is not considered that the front dormers give rise to any harmful overlooking given that these serve non principal rooms and that the residential properties opposite are over 20m away. The rear dormers windows face south and the nearest residential property is 29m away. There will be some loss of light to the windows on the western flank wall of no. 15 but these are non principal windows and although the roof on this side will be higher it remains as a hip and therefore slopes away from that dwelling.

The dormers provide some additional overlooking to the properties opposite but due to the distances involved and the existing second storey windows it is not considered that this would cause demonstrable harm.

It is therefore considered that the proposal is in accordance with policies D DM1 & D DM4 of the ALP.

PARKING PROVISION:

The Parish Council consider that there is insufficient parking provision for a dwelling of this size.

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

The Council uses the West Sussex Parking Demand Calculator to assess the parking needs of new developments. According to this calculator, the parking demand associated with the enlarged dwelling would be 3 spaces. The property benefits from a double garage and a large front 'forecourt' parking area which could accommodate a further 4 or 5 cars. It is therefore considered that the proposal more than satisfies the parking demand and on this basis has to be considered to comply with policy T SP1 of the ALP.

OTHER CONSIDERATIONS:

Policy ESD5 of the FNDP states that:

"All development proposals other than minor household or commercial extensions (less than 10% increase in floor space) will be required to provide a surface water management plan detailing methods of dealing with surface water arising from development, and will be supported provided that the development would not compromise the emerging Surface Water Management Plan for the Lidsey Catchment or the Aldingbourne and Barnham Rife Strategy."

Whilst the floor space increase has not been calculated, it would seem likely that it would be more than 10%. However, the site does not lie in an area of the district where consultation with drainage engineers would be necessary and also there is no increase in footprint. On this basis, drainage matters would be left to Building Control and as such there is no conflict with policy ESD5.

RECOMMENDATION:

It is considered that the application conflicts with development plan policies that seek to protect the setting and heritage of heritage assets and the character of the area and it is therefore recommended that planning permission be refused for the following reason(s).

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), 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 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 addition of dormer windows to the front of the dwelling by reason of their size, number and appearance would cause less than substantial harm on the setting of adjacent heritage assets (designated conservation area and listed building). However in the absence of a heritage statement and any public benefits arising from the scheme the proposal is contrary to the NPPF, policies HER DM1 and HER DM3 of the Arun Local Plan and Felpham Neighbourhood Plan Policy ESD7.
- 2 The front dormer windows by reason of their size, number and appearance would cause harm to the character and appearance of the area contrary to policies D DM1 and D DM4 of the Arun Local Plan and ESD1 of the Felpham Neighbourhood Plan.
- 3 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.