

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

REF NO: K/38/14/HH

LOCATION: The Old Cottage
Kingston Lane
East Preston

PROPOSAL: Demolition of existing concrete garage and construction of two bay oak framed barn (closed garden store and open carport) with storage above. This application affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed barn measures 7 metres in width by 6 metres in depth. height to the eaves is 2.36 metres whilst height to ridge is 6.4 metres. The barn includes a stairway providing access to storage space within the roof.

SITE AREA

Approximately 3315 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

A mature sycamore growing to west of the proposed garage will need to be pruned in order to accommodate the new barn. Although a mature specimen, it is not considered that this tree possesses sufficient amenity value to warrant it being the subject of a Tree Preservation Order.

BOUNDARY TREATMENT

Mix of flint wall and timber fencing ranging from approximately 1.5 to 1.8 metres in height.

SITE CHARACTERISTICS

The site is occupied by a detached Grade II Listed cottage dwelling which has flint elevation walls, with grey brick quoins, and a thatched roof. There is a detached prefabricated concrete garage positioned to the north of the dwelling, close to the western site boundary.

CHARACTER OF LOCALITY

The site is located on a rural lane which is bordered by sporadic development consisting of farm buildings and occasional residential dwellings. The overriding character and appearance is distinctly rural due to the presence of ponds, fields and paddocks and flint walling.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Conservation Officer

Listed Building Officer

Consultations responses received:

Historic Building's Advisor

No objection.

Please condition the following details:

- Thatching material
- Sample of weatherboarding and timber finish
- Sample of flint work
- Roof light specification including roof section
- Removal of the existing concrete garage

Comments on Consultation responses:

Comments noted. These conditions will be carried forward in the recommendation.

POLICY CONTEXT

Outside Built-Up Area

Grade II Listed Building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	
	HER DM1 Listed Buildings	

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from

the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

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.

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

Although located outside of the built-up area, the proposal will be situated amongst a group of established buildings and will therefore not appear isolated or incongruous. The proposal will be partially screened from view within the street scene by trees, hedging, boundary treatment and neighbouring buildings. It will, however, maintain some degree of visual presence within the surrounding area. It is considered that the barn style design, coupled with the use of a thatched roof will ensure that the proposal interrelates with nearby buildings which include a barn to the

west, as well as towards the Grade II Listed cottage itself. It is considered that the proposed barn is of a better quality design than the prefabricated garage that it will replace and, as such, the character and appearance of the surrounding area will be enhanced. It is also considered that it complements the appearance of the existing cottage and is positioned a sufficient distance from it so as not to negatively impact upon the setting of the Grade II Listed Building.

Although larger than the existing garage, the dimensions of the proposed barn will be modest in comparison to those of the main dwelling. As such, the building will not appear overly dominant within the site and will, instead, maintain a visually subservient relationship towards the main dwelling. The use of thatching for the roof will ensure that there is a degree of visual tie in between the barn and the main dwelling, which also has a thatched roof.

The Historic Building's Advisor has no objection, subject to certain conditions being imposed which will form part of the recommendation.

The proposed barn is positioned close to the northern boundary of the site, although it will be some 15 metres from the nearest neighbouring building. Its height is considered to be modest and it will not project along a significant stretch of the boundary shared with the neighbouring property to the north. It is therefore considered that the barn will not appear overbearing nor will it cause undue levels of overshadowing towards neighbouring residents. The barn will feature roof lights that will face towards the north-west, in the direction of the road and, as such, not offering direct, intrusive views of any neighbouring buildings.

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

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 for 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 it has been determined that its approval would not result in any unacceptable adverse impact 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).

As such, there is no requirement for mitigation measures to be implemented.

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: drawing numbers 001 (Site and location plan) dated 11-06-2014 and 004 (Floor plan and elevations) dated 27-09-2014.

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

- 3 No development shall be carried out until the existing concrete garage to the north of the site is demolished in its entirety before the garage hereby approved can be constructed.

Reason: To allow the Local Planning Authority to control development on the site in the interests of the character and setting of the Listed Building in accordance with the National Planning Policy Framework.

- 4 No development shall be carried out unless and until details of the thatching material for use on the garage hereby permitted have been submitted to and approved by the Local Planning Authority and the thatching material so approved shall be used in the construction of the garage.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and protecting the setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework.

- 5 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 the weatherboarding and timber finish of the garage hereby permitted have been submitted to and approved by the Local Planning Authority and the weatherboarding and timber finish so approved shall be used in the construction of the garage.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework.

- 6 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 the flint work on the garage hereby permitted have been submitted to and approved by the Local Planning Authority and the flint work so approved shall be used in the construction of the garage.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework.

- 7 No development shall be carried out unless and until details relating to the roof light specification and roof sections of the garage hereby permitted have been submitted to and approved by the Local Planning Authority and the roof light and roof section details so approved shall be used in the construction of the garage.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework.

- 8 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.