

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

REF NO: K/9/19/HH

LOCATION: Kingston Corner
Brookside Road
Kingston
BN16 1SE

PROPOSAL: Replacement of existing studio building, adjacent to house, with new studio building, to be used as extension to house. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a studio/annexe building to replace an existing outbuilding.

RELEVANT SITE HISTORY

K/27/11/ Garage extension & conversion, alteration of outbuildings roof line ApproveConditionally
13-12-11

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Parish Council - Objection

- This is an overdevelopment of the site.
- It is visually out of character and out of scale to the existing dwelling with materials that do not match the existing dwelling.
- It is detrimental to the amenity of the street scene and the character of the area.
- It is too close to the boundary with the neighbouring property (a Listed Building).
- It will be overbearing and intrusive to the neighbouring property.
- It will adversely affect the setting of a Listed Building given its size, position, design and unsympathetic use of materials.
- The proposed replacement building uses materials that are unsympathetic to the existing, and is a significant increase in size both in height and mass.
- It is not subsidiary to the host dwelling.
- It is not an annexe.

5 Letters of objection:

- The proposal is substantial in nature.
- The proposal is close to a grade II Listed Barn.

- The proposal is sited forward of the existing building line.
- The proposal uses materials which do not match the host dwelling.
- The proposal is out of scale with surrounding dwellings.
- The proposal has a ridge height of 6.2m, and is visible from Sea Barn.
- The visual impact on the proposal is dependant on the natural growth of the privet hedge.
- The proposal will affect the setting of a Listed Building.
- The proposed development is overbearing.
- The weathered steel materials are not in sympathy with the flint of surrounding areas.
- The proposal will harm trees and hedges on the proposed site.
- The proposed is not sympathetic to the character of the Estate.
- The proposal would be a detached property.

AGENTS RESPONSE TO REPRESENTATIONS:

- The proposed studio will not be self-contained accommodation, it will be used in conjunction with the existing dwelling.
- The existing studio is of a poor quality design, whereas the proposal represents exemplary contextual design.
- The area has no uniform spatial pattern, and the area is comprises of a broad mix of architectural styles, sizes, scales etc.
- There is an existing studio in the same location.
- There is a limited visual relationship between Sea Barn and the proposal.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Please submit a Heritage Statement.

Additional Comments following statement

The proposed annexe is to be located in the grounds of the property known as Kingston Corner. Immediately to the south of the site is a Grade II Listed Building. This building is a former barn which has been converted into residential use. It is constructed from flint with a slate roof. The main elevation of the barn building retains an agricultural character and appearance, which is illustrative of its former use. The building is surrounded by modern development which has reduced its immediate setting to its private garden.

The properties in the local area of the estate have been constructed over different decades and are of different designs. As a result, there is a somewhat mixed character to the estate.

The annexe is substantial in size and of modern design/appearance. The location and the design of the building are considered to be acceptable; a modern, carefully thought-out building will reflect the varied character of the area. The only concern is the size of the building which will be approximately 6m high.

I note that there is a good amount of screening between the listed building and the application site. However, whilst tall, the height of this vegetation will mean that the top part of the annexe will still be visible when viewing the listed building (approximately 1.5-2m?). If this is the case, it will potentially be seen in the context of the listed barn.

Therefore, on balance, the proposal is such that the impact can be described as causing less than

substantial harm in accordance with paragraph 196 of the NPPF (2018). The level of harm is considered to be on the lower end of the scale.

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 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
SDSP2	SD SP2 Built-up Area Boundary

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policy is deemed to be D DM1 of the Arun Local Plan. Additionally, KPNP7 of the Kingston Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy KPNP 7 of the Kingston Neighbourhood Development Plan relates to the design and development of proposals within the built up area boundary. The design and location of the development must be appropriate any sympathetic to the character and appearance of the Parish in terms of scale, massing, aspect, siting, layout, density, materials, landscaping and design features. It seeks to protect and enhance biodiversity, and have minimal impact on users and occupiers of nearby occupiers of land.

DESIGN AND VISUAL AMENITY

The proposed outbuilding is sited forward to the property line of the host dwelling, and is considered to result in a change to the application site, however, this is not considered to be a harmful one. This is as a

result of the design merit of the proposal, and the significant screening present within the site. The locality is host to a wide variety of building designs, styles and scales. There are other examples of modern, contemporary buildings in the area, which is considered to allow the proposal to not appear out of character with the within the context of the wider locality. The development includes the erection of a flint wall, which borders the Western, and part of the Northern elevation of the outbuilding, this is sited approximately 11.5m from the street scene, with the outbuilding itself over 20m from the street scene. These distances, along with the significant screening of the proposal, are considered to alleviate any significantly harmful impact of the proposed development on the established character of the locality. Therefore, the proposed development is considered to be in accordance with D DM1 of the Arun Local Plan, and KPNP7 of the Kingston Neighbourhood Development Plan.

HERITAGE

The application site is adjacent to a Grade II Listed Building, so therefore, policy HER DM1 of the Arun Local Plan requires that the proposed development would protect the setting of this Listed Building. Paragraph 190 of the National Planning Policy Framework requires that the Local Planning Authority must consider the significance of the heritage asset, before assessing any potential harm. Sea Barn is a Grade II Listed Building. This building is a former barn which has been converted into residential use. The main elevation of the barn building retains an agricultural character and appearance, which is illustrative of its former use. The building is surrounded by modern development which has reduced its immediate setting to its private garden. It is noted that the Conservation Officer believes that less than substantial harm is caused to the setting of this asset, and therefore, the public benefits of the proposal should be considered. There would be no public benefit as a result of the scheme.

However, it is not considered that the impact on the adjacent Listed Building is reason alone to justify a refusal, in that it is considered that the impact upon the setting of the Listed Building, as a result of the separation distance, and mature foliage that forms screening, is minimal, and therefore, has no significant harm to the setting of this building. As a result of this, the proposed development is considered to be in accordance with HER DM1 of the Arun Local Plan, in that it has no significantly harmful impact upon the setting of the adjacent Listed Building.

NEIGHBOURING RESIDENTIAL AMENITY

The application is not considered to give rise to any significant harm to occupiers of neighbouring dwellings, by way of overshadowing or overbearing impact, this is as a result of its siting, and resultant distance from neighbouring dwellings. Additionally, the proposed development does not feature any openings that are considered to give rise to any overlooking of neighbouring dwelling. Therefore, the application is considered to be in accordance with D DM1(3) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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

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

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:

- GA - Proposed Site Plan - 290 - AA1100 - Rev. 00 - 22.8.18
- GA - Proposed Ground Floor - 290 - A1200 - Rev. 00 - 22.8.18
- GA - Proposed First Floor - A1201 - 290 - Rev. 00 - 22.8.18
- GA - Proposed Roof Plans - A1202 - 290 - Rev. 00 - 22.8.18
- GA - Proposed Elevations - A1400 - 290 - Rev. 00 - 22.8.18
- GA - Proposed Elevations looking South & Looking East 2 - 290 - Rev. 00 - 22.8.18
- GA - Proposed Elevations looking East 1 & looking West - 290 - AA1400 - Rev. 00 - 22.8.18

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or openings shall be formed in the Southern wall of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies D DM1 of the Arun Local Plan.

- 4 **INFORMATIVE:**

Please note that the approved development is an outbuilding, with a use incidental to that of the host dwelling. Therefore, it cannot be used as a separate unit of residential accommodation.

- 5 **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 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.