

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

REF NO: LY/13/19/HH

LOCATION: Lyminster Cottage
Lyminster Road
Lyminster
BN17 7QF

PROPOSAL: New entrance/driveway, restoration of external building at the front of the property. Restoration of walled garden, front and rear. Adjustment of levels around the property. Restoration of all windows and small front porch area. Two storey extension including demolition of existing extension. This application may affect the character and appearance of the Lyminster Conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development seeks to create a new entrance/driveway, restore an external building at the front of the property. It also seeks to restore the walled garden to the front and rear of the dwelling, the porch and the windows, furthermore, it intends to adjust the levels of the site. Additionally, it seeks to extend the host dwelling by way of the demolition of the existing extension, and the construction of a two storey extension.
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RELEVANT SITE HISTORY

LY/14/19/L	Application for Listed Building Consent for new entrance/driveway, restoration of external building at the front of the property. Restoration of walled garden, front and rear. Adjustment of levels around the property. Restoration of all windows and small front porch area. Two storey extension including demolition of existing extension.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No response.

3 letters of objection:

- The proposed entrance would be dangerous.
- The extensions are inappropriate because it is a period property.

- The creation of the entrance would result in the loss of flint wall.
- The second storey addition would be harmful to the cottage within the Conservation Area.
- The proposed extension would be overbearing.

CONSULTATIONS

Arboriculturist

Conservation Officer

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Comments are available to view on the website.

West Sussex County Council Highways - Comments are available on the website.

Conservation Area Advisory Committee - Objection.

The front wall is an important part of the Conservation Area. The removal of a significant section of the walling to form a vehicle access will detract from the character and appearance of the Conservation Area and the setting of a Listed Building.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Grade II Listed Building

Within Lyminster Conservation Area

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
HERDM3	HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1, D DM4 and HER DM3 of the Arun Local Plan. Additionally,

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 D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of.

DESIGN AND VISUAL AMENITY

The application proposes to demolish an existing rear/side addition, and replace with a two storey extension to the Eastern elevation of the host dwelling. Whilst the significant scale of this addition is noted, it is not considered to represent an unacceptable harmful addition to the host dwelling, due to its siting and design allowing it to appear subservient to, and well integrated with the host dwelling. This is largely due to the footprint of the extension, and the roof shape being sympathetic to that of the original dwelling. Furthermore, the use of the materials used in the construction of the extension will contribute to the visual appearance of the proposal, and as such, these will need to be submitted to the Local Planning Authority for approval.

The proposed restoration of the walled garden, windows, and porch are considered to be positive changes to the application site, mainly in that these are largely reparative. The proposed restoration of the porch is an improvement when compared to that existing at the site, which is a more recent addition to the dwelling, and it is a poor state.

The proposed restoration of the outbuilding involves a replacement roof, the creation of a new entrance, and various other alterations. No plans of this element of the application have been submitted. The lack of plans relating to this restoration would be required before the approval of any application.

The proposed new entrance, and creation of a driveway is an acceptable alteration to the application site. Whilst it is noted that the proposal would result in the removal of approximately half of the front boundary wall, this is not so harmful as to prescribe refusal of the application. The creation of a large parking area to the front of the host dwelling will alter the appearance of the site, however, due to the retention of the remainder of the wall, and the proposed landscaping, this will largely be screened.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development has 'less than substantial harm' upon the local assets. Therefore, Paragraph 196 of the Act applies, which states that where this level of harm is identified, the harm should be weighed against the public benefit of the proposal. The application is considered to have public benefit, in that it will allow a Listed Building to be used for its optimal viable use, as opposed to falling into a state of disrepair.

If the scheme were to be resubmitted with alterations made in order for the access to be made safe, this would result in a harmful impact upon the heritage asset, in that the boundary wall is the most visible part of the Listing from the public realm. The proposed reduction would have a harmful impact upon the conservation area, in that flint walling is considered to be an important feature of the area. Therefore, the prospective alterations would be in conflict with HER DM3 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful impact on the residential amenities of neighbouring dwellings, by way of overshadowing or overbearing. This is due to the aspect of the application site, and the separation distance from the proposed development to neighbouring dwellings. With regard to loss of privacy, there is only one window which may result in overlooking of adjacent dwellings, serving a first floor bathroom on the Northern elevation of the two storey extension. However, this could be dealt with by way of condition.

The proposed development is not considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

HIGHWAYS

The proposal seeks to create a new vehicular access onto Lyminster Road. Visibility splays have not been demonstrated in order to demonstrate that this access would be a safe access, and not result in potential harm to the highway network, or its users.

W.S.C.C request that a plan showing visibility splays is submitted in order to demonstrate this access is safe. However, they note that the remainder of the wall would need to be lowered by 0.6m in order for these splays to be achievable.

Therefore, as it stands, the proposal is not considered to be in accordance with T SP1 of the Arun Local Plan, in that it has not been demonstrated that the access to the site would provide safe access to the highway network.

SUMMARY

In order to fully assess the application, further information will be required, including elevational details of the proposed outbuilding renovation. Furthermore, it would need to be demonstrated that the access provides safe access from the application site to the highway network.

It would seem that one of the alterations to the scheme, in order to allow it to be viable on highway grounds is that the remainder of the boundary wall would need to be lowered by 0.6m. As it stands, this would conflict with the Conservation Officers view that the current reduction of the wall proposed under the scheme would already be the maximum permitted without causing undue harm to the area.

As such, the application will be refused for the following reasons.

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

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 No plans have been submitted to show that the proposed access is safe and would not result in severe harm to pedestrians, cyclists and motorist using the A284 in conflict with policy T SP1 of the Arun Local Plan and paragraphs 108-110 of the National Planning Policy Framework. In order to provide a safe and acceptable access the front flint wall would have to be significantly reduced in height resulting in unacceptable harm to the heritage asset, and the character of the area, in conflict with policies D DM1, HER DM1, HER DM3 of the Arun Local Plan and the National Planning Policy Framework.
- 2 There are no plans submitted relating to the proposed renovation of the outbuilding, therefore, this element of the proposal cannot be assessed fully.
- 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 determining the application within a timely manner, clearly setting out the reason(s) 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.