

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

REF NO: LY/18/18/HH

LOCATION: Lyminster House
Church Lane
Lyminster
BN17 7QJ

PROPOSAL: Erection of replacement conservatory/orangery following demolition of existing conservatory. This application affects the character and appearance of Lyminster Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect a replacement conservatory, following demolition of existing conservatory.
----------------------------	---

RELEVANT SITE HISTORY

LY/19/18/L	Listed building consent for erection of replacement conservatory/orangery following demolition of existing conservatory.	
LY/3/18/HH	Replacement of wooden driveway gates. This application affects the character & appearance of the Lyminster Conservation Area.	ApproveConditionally 23-05-18
LY/12/16/HH	Replacement conservatory. This application affects the character & appearance of the Lyminster Conservation Area.	ApproveConditionally 25-07-16
LY/4/18/L	Listed building consent for the replacement of wooden driveway gates.	ApproveConditionally 23-05-18

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No objection.

No representations received from nearby occupiers.

CONSULTATIONS

Historic England

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Support

The application is for the erection of replacement conservatory/orangery following the demolition of an existing conservatory.

Lyminster House is a detached 2 storey property, with rendered white walls, and a slate hipped roof. The existing conservatory is located to the side of the property, and constructed from a mixture of materials. The building is Listed grade II.

The property is contained within gardens to three sides, which are defined by substantial brick boundary walls, fences and mature hedges. Access is by double gates from Church Lane.

The present conservatory appears to be in a poor state of general repair having been unsympathetically repaired and adapted since its original construction, and its replacement is considered to be acceptable.

The proposed replacement conservatory is considered to be suitable for the host building in terms of appearance and materials, and can be supported. Details of the joinery will need to be provided for by way of condition, as will confirmation of the final colour of the conservatory.

In addition, I note that the Applicant also proposes to insert an additional new door opening to create a direct connection between the dining room and conservatory. The design of the door opening appears to be a replication of the current door opening to the living room area. Such a proposal is acceptable, and can be supported.

As a consequence, the proposed works can be supported as they are considered to comply with the relevant policies of the Arun Local Plan (2018) and the NPPF.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The application site is situated outside of the built up area boundary as defined by SD SP2 of the Arun Local Plan (2011-2031). The proposal is for extensions and alterations to an existing building with the plot of an existing dwellinghouse. However, the proposal is in accordance with C SP1 of the Local Plan, as it is in accordance with D DM4 of this plan. In this case, the key policy considerations are deemed to be D DM1, D DM4 and HER DM3 of the Arun Local Plan (2011-2031).

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy C SP1 of the Arun Local Plan states that land outside of the Built-up boundaries will be defined as countryside, and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted. Development can be in accordance with C SP1 if it refers to a specific use or type of development that is covered by another policy (as this development is in accordance with D DM4).

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

As a result of the height of the existing boundary treatment and the design of the proposal it will not be visible within the street scene, and as such is not considered to have a significantly detrimental impact upon the character of the locality, or its established spatial pattern. Additionally, by virtue of its design, scale and use of materials it is considered to be subservient to, and well integrated with, the host dwelling. Therefore, the proposed development is considered to be in accordance with D DM1, D DM4 and HER DM3 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development will be to the West of the host dwelling, which is over 13m from both the Western and Southern boundaries of the application site. As a result of its siting and design, the proposal is not considered to give rise to any unacceptably adverse overbearing, overlooking or overshadowing impacts on neighbours, and as a such is deemed to accord with policies D DM1(3) and D DM4(c) 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:

- Site Block Plan - PWRU367122 - 002 - April 2016
- Proposed Floor Plan - PWRU367122 - 110 - Rev. G - April 2016
- Proposed Elevations - PWRU367122 - 211 - Rev. B - April 2016
- Proposed West Elevation - PWRU367122 - 210 - Rev. E - April 2016
- Proposed Elevations - PWRU367122 - 310 - Rev. C - April 2016
- Proposed Conservatory Door Details - PWRU367122 - 501 - April 2016

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 **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.