

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

REF NO: LY/4/19/HH

LOCATION: 253 Church Lane
Lyminster
BN17 7QJ

PROPOSAL: Proposed first floor side extension, single storey rear extension to existing dwelling and summer house within garden. This application affects the character and appearance of the Lyminster Conservation Area and affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a first floor side extension, a single storey rear extension, and a summer house.
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RELEVANT SITE HISTORY

LY/1/19/HH	Extend the earth bunds on the south and west sides. This application affects the character and appearance of the Lyminster Conservation Area.	ApproveConditionally 17-04-19
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No response.

C.A.A.C - Objection

- Inappropriate form and size.
- Overbearing and negative impact on the conservation area.

2 letters of objection:

- The proposal in a large increase in floor space.
- The proposal would result in a loss of the gap in a sequence of old buildings.
- The proposed first floor extension would change the established character of Church Lane, and Lyminster Village.
- The proposal would result in 'terracing effect' of the buildings.
- The first floor extension would result in a loss of light to 254 Church Lane.
- The first floor extension would result in a overlooking of the garden of 254 Church Lane.

OFFICERS COMMENTS ON REPRESENTATIONS:

The comments submitted will be addressed in the conclusion section of the report.

CONSULTATIONS

Arboriculturist
 Conservation Officer
 Directorate of Airspace Policy

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The Conservation Officer originally had concerns about the application, revisions were made to the plans, the following comments relate to the revised proposals.

It is considered that the revised scheme appears to take onboard the information and various points that I raised. The revised design reads as a more subservient extension to the host dwelling and, allows for the development of the building to be understood. Further, the retention of the existing chimney, as well as the use of a gabled elevation are positive enhancements to the scheme.

I should point out that the quality of the design and materials used will need to be high. For instance, the dormers, the new doors/windows and glazing should closely copy the existing features. Details of these will need to be provided for by way of condition.

On balance, the proposal is now considered to be acceptable, and not to cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments.

You will also need to take into account the contents of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

POLICY CONTEXT

Designation applicable to site:
 Outside of built up area boundary
 Locally Listed Building
 Lyminster Conservation Area
 Tree Preservation Order

DEVELOPMENT PLAN POLICES

[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
CSP1	C SP1 Countryside
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

CONCLUSIONS

PRINCIPLE

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 DM2 of the Arun Local Plan relates to Locally Listed Buildings or Structures of Character. First, it sets out the criteria that should be met by the buildings in order to become locally listed. With relation to the alteration or extensions of buildings on the Local List, it states that the proposal should relate sensitively to the building, respecting its architectural, landscape or historic interest.

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 proposed side extension is visible from the street scene, as a result of it siting to the West of the existing first floor of the host dwelling. However, this development is considered to be designed to reflect the characteristics and design of the other dwellings in the locality. This is as a result of its scale, design and usable of materials. Therefore, it is not considered to be harmful to the character of the area, or the street scene. The overall appearance of the dwelling will not be such that it appears as an overdevelopment of the site, as it maintains an adequate distance between the host dwelling, and adjacent dwellings. This allows the proposed development to not create a terracing effect within the area, maintaining the existing spatial pattern. The proposed front dormer is considered to appear similar in appearance to those existing on the host dwelling, which is considered to help allow the proposed side extension to appear well integrated with the host dwelling. Additionally, the proposed side extension is considered to appear subservient to the host dwelling, this is as a result its set back appearance, and modest scale in comparison to the host dwelling.

The proposed rear extension is not visible from the street scene, and as such, it is not considered to have any significantly harmful impact upon the established character of the street scene, or the locality. Additionally, resultant of its scale and design, it is considered to appear as a subservient addition to the host dwelling.

The proposed outbuilding, as a result of its modest scale, and siting is considered to be an acceptable

addition within the application site.

The proposed development is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan. Additionally, the proposal is considered to have no conflict with policies HER DM2 and HER DM3 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any significant impact on occupiers of nearby dwellings. This is as a result of the aspect of the development and its separation distance from neighbouring occupiers. The proposed first floor extension is approximately 2.7m from the existing Westernmost aspect of the host dwelling, which is a further 1.5m from the Western boundary of the application site. This distance is considered to be an acceptable distance in order to prevent any significant overbearing or overshadowing impact on neighbouring dwellings. The proposed single storey rear extension is not considered to result in any significant overbearing or overshadowing, resultant of its modest scale, and the boundary treatment between the development and the neighbouring dwelling. With regard to overlooking, the proposal is not considered to give rise to any harmful overlooking to neighbouring dwellings. There are windows on the first floor extension facing North and South, towards the North, there are views of the street scene, whereas to the South, these windows are not considered to provide views that are not currently available from the host dwelling at current. The single storey extension, and proposed outbuilding are both single storey in nature, and therefore, any openings are not considered to provide any views that are currently unavailable from the application site at current. Therefore, the proposed development is considered to be in accordance with 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 & Locations Plans - 28_101 - November 2018
 - Proposed Plans - 28_104 - November 2018 - Rev. A - 04.06.2019
 - Proposed Elevations - 28_105 - Sheet 1 of 2 - November 2018 - Rev. A - 04.06.2019
 - Proposed Elevations - 28_106 - Sheet 2 of 2 - November 2018 - Rev. A - 04.06.2019
 - Summer House - DF17 4540-44 - DG
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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (including bricks and brick bonds), roofs and windows, of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.
- 4 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.