

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

REF NO: PO/1/12/

LOCATION: St Johns Cottage
Poling Street
Poling

PROPOSAL: Demolition of existing 1950's garage & outbuilding. Replace with a garage & workshop with a bedroom over for use ancillary to the main dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	1050 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Some trees to be removed, however none of these are worthy of a preservation order.
BOUNDARY TREATMENT	Various timber fencing and mature hedging enclosing site.
SITE CHARACTERISTICS	Grade II Listed Building probably C17. Two storeys. Faced with flints and red brick. Hipped thatched roof with pentice on north side. Casement windows. Detached flat roof garage to side and 2 timber outbuildings to rear. Water pump to rear of property.
CHARACTER OF LOCALITY	Rural lane, some other properties noted. Farmland enclosing south and east boundary.

RELEVANT SITE HISTORY

PO/12/03/	Demolition of 1950's garage & outbuilding & replace with a garage /workshop with a bedroom & bathroom over for use ancillary to main house	Refused 13-01-2004
PO/5/04/	Demolition of 1950's garage and outbuilding. Replace with a garage workshop with a bedroom over for use ancillary to the main house. (Re-resubmission of PO/12/03)	Approve Conditionally 09-07-2004

REPRESENTATIONS

Representations received:

Poling Parish Meeting

Awaited.

Comments on Representations received:

CONSULTATIONS

Building Control

Listed Building Officer

Consultations responses received:

Listed Buildings Advisor:

No Objection

Please condition sample panel of flint and brickwork. Flint work to be of traditional construction and not set in concrete block work.

Window, timber and material details required as normal.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Grade II Listed Building

DEVELOPMENT PLAN POLICIES

South East Plan: [SEPBE6](#)

Management of the Historic Environment

Arun District Local Plan: [GEN3](#)

Protection of the Countryside

[GEN7](#)

The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity as well as the impact upon the Listed Building.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

LISTED

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building.

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

The application seeks permission for the construction of a detached garage/store with ancillary accommodation above. The proposed structure is to replace an existing dilapidated outbuilding and garage. The proposed garage is to be faced with flint and red brick quoins with a steep pitched red tiled roof.

The proposed structure would sit to the rear of the main dwelling and when viewed in context with the main listed building would be sympathetic to and respectful of its historic character. The use of materials will ensure that the appearance of the structure is acceptable, this will be subject to a condition requiring the submission of such materials and a sample panel constructed on site for the flint and brick facing.

The location of the garage would also prevent any undue harm to neighbouring amenity. In the absence of undue harm resulting upon the historic building, wider street scene and neighbouring amenity, it is recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

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 a neutral impact has 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).

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:

1:2500 plan; 1:500 plan; Ground and First Floor Plan; Existing elevations; East and North Elevations (Plan2) and South and West Elevations (Plan 1).

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

- 3 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 external walls, roof and windows of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the setting of the the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Any walling shall conform with a sample panel of brick and flintwork which shall be erected on site and approved in writing by the Local Planning Authority before work to walling is commenced.

Reason: To preserve the appearance and special character of the building for the future in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of St Johns Cottage, Poling Street, Poling as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 6 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management

Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7

SOUTH EAST PLAN: BE6

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.