

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

REF NO: PO/1/18/HH

LOCATION: The Old Vicarage
Poling Street
Poling
BN18 9PT

PROPOSAL: Construction of timber frame detached garage to West of existing house. This application affects the character and appearance of Poling Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect a single storey garage to the West of the existing dwelling.
SITE AREA	Approx. 3009sq.m.
TOPOGRAPHY	Predominantly flat,
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The proposal site is bordered by 2.5m high walling to its street facing elevation.
SITE CHARACTERISTICS	The site is populated by a Building of Special Character in a conservation area.
CHARACTER OF LOCALITY	The area is populated by a mix of housing styles, although the flint wall characterises the area in that it runs along a majority of the road boundary in front of the site.

RELEVANT SITE HISTORY

PO/2/17/PL	Single storey rear extension, porch extension & 11 No. rooflights in existing & proposed roof to create 1 No. self contained dwelling (resubmission following PO/1/17/PL). This application affects the character & appearance of the Poling Conservation Area & may affect the setting of a listed building.	ApproveConditionally 13-09-17
PO/1/17/PL	Alterations & extensions to existing Coach house to create self contained two bedroom dwelling. This application affects the character & appearance of the Poling Conservation Area.	Withdrawn 27-04-17
PO/3/06/	Demolish existing garage and replace with one slightly	ApproveConditionally

larger.

15-11-06

PO/9/02/TC

Felling of one Ash tree within the Poling Conservation Area.

No Objection
20-12-02

Noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council - No comments received.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:

Conservation area

Building of Special Character

Outside Built up area boundary

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

DEV19	Extensions to existing residential buildings
AREA2	Conservation Areas
GEN22	Buildings or Structures of Character
GEN2	Built-up Area Boundary
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality
 D DM4 Extensions & Alterations to Existing Buildings
 D SP1 Design
 SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Poling does not have a 'made' neighbourhood plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 GEN7 of the Arun District Council Local Plan in that this is an outbuilding within the curtilage of an existing residential dwelling..

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."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

(2) Without prejudice to the generality of paragraph (1)(b) -

(a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b) Factors relevant to public safety include -

(i) The safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) Whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign, railway sign or aid to navigation by water or air;

(iii) Whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4(3) In determining an application for consent for the display of advertisements, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is requested.

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

PRINCIPLE

The application site is situated outside of the built up area boundary as defined in the Arun District Council Local Plan. However, the proposal is for an outbuilding within the curtilage of an existing dwellinghouse and as such the principle of development is generally acceptable. In this case, the key policy considerations are deemed to be GEN7, AREA2 and GEN22 of the Arun District Council Local Plan.

DESIGN AND VISUAL AMENITY

As a result of the siting of the proposed garage, it is not considered to have a significantly detrimental impact on the established spatial pattern of the locality or the visual amenity of the area. This siting was previously discussed following the refusal of PAA/200/17/ being refused due to unacceptable impact on

the Building of Special Character and its setting. The Conservation Officer was consulted on the pre-application advice application and found that the design and materials of the proposal to be acceptable. It was considered by the Conservation Officer that the revised location of the proposal had no significantly detrimental impact on the BoSC or its setting. Additionally, as a result of this siting and the modest design on the proposal, the proposal is not considered to appear unsympathetic or overly dominating in terms of its impact on the host dwelling.

The proposal is considered to be in accordance with GEN7(ii) of the Arun District Council Local Plan and D DM4 of the Emerging Local Plan in terms of design and visual amenity. It also is in accordance with AREA2 in that it is considered to preserve the character of the Conservation Area and GEN22 due to the lack of adverse impact on the setting of the Building of Special Character.

NEIGHBOURING RESIDENTIAL AMENITY

Due to the proposed siting of the development it is not considered to have an unacceptable overbearing or overshadowing impact on adjacent properties, as it sits 0.7m from the closest dwelling, and adjacent to the boundary treatment. As a result of the proposal being immediately to the South of 'The Coach House' it is considered that there is potential for overshadowing and some loss of light, however, the impact is not considered to be great enough to warrant the refusal of this application due to the relatively small scale of the proposed building. This is partially as a result of 'The Coach House' having rooflights, but also the intervening boundary treatment. This boundary treatment is also considered to prevent any loss of privacy to neighbours, additionally, any views available from the development would be no different than those currently available, as a result of the single storey nature of the proposal.

Therefore, the proposal is considered to be in accordance with GEN7(iv) of the Arun District Council 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 plan:

- Proposed Garage Plan, Elevation, Roof Plan and Site Location Plan - 1079. G01 - 22/03/2018

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed development 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 amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policies GEN7 and AREA2 of the Arun District 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 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.