

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

REF NO: R/135/17/HH

LOCATION: Manor Cottage
Station Road
Rustington

PROPOSAL: Replacement garage. This application affects the setting of a listed building & affects the character & appearance of the Station Road, East Preston Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the demolition of the existing garage and the construction of a replacement garage measuring approximately 5.4m in width, 10.8m in depth, with an eaves height of 2.4m and a maximum ridge height of 4m. The proposed garage will feature a dual pitched roof and be constructed from weatherboarding and cedar shingle roofing.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The front boundary consists of a mixture of flint walling to a height of approximately 2m and hedging and trees.

SITE CHARACTERISTICS

The site is occupied by a detached

CHARACTER OF LOCALITY

Flint cottage and ancillary building with thatched roofs. Front elevation of dwelling facing road is painted white with dark stained timber style cladding to upper window surrounds. Pitched roof porch to rear. A detached garage is situated on the western boundary of the site constructed from concrete and corrugate iron.

RELEVANT SITE HISTORY

Predominantly residential characterised by mainly detached dwellings of varying design. Property is located at the entrance to Willowhayne Estate on roundabout.

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Listed Building Officer

Conservation Officer

Consultations responses received:

Conservation Officer:

Manor Cottage is a Grade II listed building, prominently located in the Station Road, East Preston conservation area.

There is no objection to the replacement garage as it is well removed from the listed building and due to the 'set back' location, it will not feature in any important conservation area views.

The importance of sustaining and enhancing the significance of heritage assets, while keeping them in viable and appropriate uses, is emphasised throughout section 12 of the NPPF and para. 132 requires great weight to be given to their conservation. The present proposal causes no harm to the significance of any designated heritage assets and there is no objection in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policy HER DM1 & 3.

Conservation Area Advisory Committee:

No objection

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Listed Building Grade II

Within built area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA2](#)
[GEN2](#)
[GEN7](#)

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

Conservation Areas
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design
HER DM1 Listed Buildings
HER DM3 Conservation Areas
HER SP1 The Historic Environment
SD SP2 Built-Up Area Boundary
Housing Design

[Rustington Neighbourhood Plan 2014 Policy 2](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Rustington Neighbourhood Plan has been made and Policy 2 of the Rustington Neighbourhood Plan is considered relevant to the determination of this application.

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 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.

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 character or the setting of the Grade II Listed Building or the character of the Conservation Area.

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 within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policy. In this case the key policy considerations are deemed to be GEN7 and AREA2 of the Arun District Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed development by virtue of its design, scale and location is not considered to have a significant presence within the street scene. Therefore, it is considered that the proposal will not give rise to any unacceptable harm to the character of the street scene or wider locality in accordance with policy GEN7(ii) of the Arun District Local Plan.

It is also considered that the proposal by virtue of its design will constitute an enhancement over the existing dilapidated garage structure. Therefore, the proposed development is deemed to

enhance and preserve the character of the Conservation Area in accordance with policy AREA2 of the Arun District Local Plan. Similarly, the proposed garage is well separated from the listed building and as such will not give rise to any unacceptable harm to the character of the Listed Building.

The proposal has been considered by the Council's Conservation Officer who has raised no objection stating that "proposal causes no harm to the significance of any designated heritage assets and there is no objection in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policy HER DM1 & 3".

RESIDENTIAL AMENITY

The proposed garage will be situated on the western boundary of the site approximately 2.2m from the boundary. The proposed garage by virtue of its design and location and existing boundary treatment is not considered to give rise to any unacceptably adverse harm to the residential amenity of neighbours. Therefore, the proposed development is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policy and as such is recommended for approval subject to the below 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

Duty under the Equalities Act 2010

In assessing this proposal neutral 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).

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;

- Proposed Site Plan - Drawing 3
- Proposed Floor Plan, Elevations and Roof Plan - Drawing 1

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 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.