

Recommendation Report for Planning Permission

REF NO: WA/10/22/PL

LOCATION: Land adjacent to 1 Orchard Way
Fontwell
BN18 0SH

PROPOSAL: Variation of condition 2 imposed under WA/18/19/PL relating to velux an additional rooflight to units 1 and 2 and confirmation of location of approved solar panel to east roof face of units 1 and 2.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to a change in the plans condition (2) imposed on planning permission WA/18/19/PL to include an additional roof light to serve the bathroom and solar panels on the roof to both units.
SITE AREA	946 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	There is a large Oak tree within the rear portion of the site which is protected by a Tree Preservation Order (TPO). There are also mature boundaries to the northern boundary.
SITE CHARACTERISTICS	The site is a former part, the garden of 1 Orchard Way. The A27 westbound carriageway is 12m to the north. To the west is overgrown scrubland and a walkway with a pedestrian underpass. The host dwelling is a one-and-a-half storey detached dwelling. The approved dwellings are under construction.
CHARACTER OF LOCALITY	Cul-de-sac development located south of main A27. Area characterised by residential development with mainly detached properties of varying design, scale and appearance both single and 2 storeys in height.

RELEVANT SITE HISTORY

WA/68/21/PL	Variation of condition 13 imposed under WA/18/19/PL relation to updated (July 2021) Arboricultural Impact Assessment.	ApproveConditionally 06-09-21
WA/26/20/PL	Variation of conditions 2 , 7 and 13 following the grant of WA/18/19/PL relating to landscaping to allow for removal and replanting of boundary hedging.	ApproveConditionally 22-05-20

WA/107/19/NMA	Non-material amenment following the grant of reference WA/18/19/PL for enlargement of front door canopy; external expression of chimney; variation of size & configuration of windows; omission of cladding to external elevations; variation of locations of brick & render to external elevations and brick plinth extended to whole of base.	Approve 25-11-19
WA/18/19/PL	Erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway (resubmission following WA/58/18/PL).	ApproveConditionally 06-06-19

REPRESENTATIONS

Walberton Parish Council - No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
ECCSP2	ECC SP2 Energy and climate change mitigation

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance
Walberton Neighbourhood Plan Policy 2019-2031
HP11 Housing Density

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The relevant policies in the Walberton Neighbourhood Plan (WNP) have been taken into account in 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 there would be no materially adverse effect on visual or residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application only relates to the addition of rooflights and solar panels on the roof. All other matters relating to the permission remain unaltered. The key policy consideration in the determination of this application are deemed to be D DM1 of the Arun Local Plan and policy HP13 of Walberton Neighbourhood Plan which refer to the impact on visual amenity and character.

VISUAL AMENITY AND CHARACTER

The amendments to incorporate a solar panel and rooflight in each dwelling would have no adverse impact on visual amenity given their height, style and position. The roof lights would have a simple form and would be well integrated in accordance with Part J of the Arun Design Guide. There would be no adverse impact on visual amenity in compliance with policy D DM1 (1).

Policy HP13 of the WNP builds on policy HP11 by requiring that development 'must contribute to local character by creating a sense of place appropriate to its location.' The proposed additional windows and solar panels are located within and on the roof slope and would not dominate the appearance of the dwellings or look out of keeping in the street scene or adversely affect the character of the area.

Section 12 paragraph 130 of the National Planning Policy Framework states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The proposal includes solar panels which incorporate appropriate adaption/innovation in respect to climate change.

RESIDENTIAL AMENITY

The design and position of the dwellings on the plots remains unaltered and the section details demonstrate it is not possible to look out of the windows given their ceiling height so the impact on residential amenity is unaffected by the proposed changes and the proposal remains compliant with Arun Local Plan Policy D DM1 (3).

The previous conditions imposed relating to obscure glazing and residential amenity remain unaltered by the application since they still apply to the development.

CLIMATE CHANGE MITIGATION

The incorporation of solar panels within the dwellings would accord with policy ECC SP2 of Arun Local Plan by incorporating decentralised, renewable and low carbon energy supplies in the form of a small scale renewable energy system. The proposal would also accord with Part S of Arun Design Guide which encourages the incorporation of 'active' measures providing energy in efficient and renewable forms to further decrease carbon emissions and increase the sustainability of new homes in accordance with the energy hierarchy. These include decentralised energy systems such as solar photovoltaics and will also minimise combustion technologies and therefore prevent degradation of local air quality.

SUMMARY

The proposed development is recommended for permission 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

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 approved shall be carried out in accordance with the following approved plans:

Unit 2 Street Elevation, Site Section, Proposed Floors & Elevations nb17101+13
Unit 1 Street Elevation, Site Section, Proposed Floors & Elevations nb17101+14
Block Plan and Location nb17101+100

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.
- 2 INFORMATIVE: This permission relates to the variation of conditions 2 of planning permission WA/18/19/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number WA/18/19//PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 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 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.