

Recommendation Report for Planning Permission

REF NO: WA/116/21/PL

LOCATION: Field End House
Avisford Park Road
Walberton
BN18 0AP

PROPOSAL: Variation of condition imposed under WA/53/17/HH relating to conditions 2 (plans) & 3 (materials and finishes) for changes to windows and cladding to elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary condition 2 and 3 of WA/53/17/HH which relate to alterations to the proposed plans including changes to the fenestration and materials finish.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential semi rural.

RELEVANT SITE HISTORY

WA/53/17/HH	Single storey side extension at the east side of the existing dwelling.	ApproveConditionally 13-11-17
WA/38/12/	Loft conversion	ApproveConditionally 21-11-12

Noted.

REPRESENTATIONS

22 Letters of Support/No Objection.

- High quality design.
- Improves look of building.
- In keeping with area.
- Other properties have/will have cladding.
- Windows smaller and obscured not seen as an issue.

1 Letter of Objection.

- Excessive noise during build.
- Non compliance with planning conditions.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

Parish Council - No Objection

Concerns have been raised as previous conditions have not been adhered to making this a retrospective application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up area boundary.

DEVELOPMENT PLAN POLICIES

[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)

[Walberton Neighbourhood Plan Policy 2019-2031](#) Design Guidance
[HP13](#)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

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

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

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.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. Part J.01 relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced.

Policy HP13 of the Walberton Neighbourhood Development plan (WNP) states that where new development would have an effect on the appearance or character of the surrounding area, it is to be of a high quality of design and must contribute to local character.

This application relates to a variation of conditions 2 and 3 of WA/53/17/HH relating to fenestration and materials. It does not seek to approve the now existing extension approved under the same application. This is a retrospective application for works.

DESIGN AND VISUAL AMENITY

The proposed application seeks alterations to both the approved fenestration and materials finish to the rear/side extension approved under WA/53/17/HH. The existing building consists of a chalet style bungalow with a cream painted pebble dash exterior, tile hung side dormer and weatherboard clad upper rear elevation. Cladding is also present on an existing lean-to to the western elevation.

The plans submitted in 2017 showed the extension to have a pebble dashed finish similar to that already present on the existing building, this was confirmed by condition no.3 of WA/53/17/HH which stated that materials should match those found on the existing building. The structure, as built, has been constructed using a light grey weatherboard cladding, similar cladding can also be seen to the rear of the upper part of the southern elevation. The cladding to the southern elevation, although not granted permission under WA/38/12/HH, is deemed lawful due to the extensive passage of time its been in situ.

The difference in colour between the newer sections of building are acceptable given the range of colours that can be found to the properties along Avisford Park Road. Additionally, there are examples of other weatherboard clad buildings both existing and proposed. As such the use of the light grey cladding to the extension is considered acceptable.

The alterations relating to the materials finish as built comply with policies D DM1, D DM4, Arun Design Guide and Policy HP13 of the WNP in that the buildings appearance and character is in keeping with the locality and does not negatively impact the building.

RESIDENTIAL AMENITY

The alterations to the fenestration represent a reduction in overall opening sizes. It is also noted that the windows to the eastern elevation are all obscure glazed whereas the approved plans showed a clear glazed casement, this is seen as an improvement to the situation on site.

All of the fenestration appears to be appropriately scaled and located at ground floor level, or as rooflights above head height, where it is generally accepted that negative impact from overlooking will not occur.

The proposed alterations to the fenestration comply with policy D DM4 of the Arun Local Plan.

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.

SECTION 106 DETAILS

Enter Summary of Details of the Section 106

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans;
 - DP1 Proposed Front Elevations (showing updated windows)
 - DP3 Existing/Proposed Side Elevation (showing updated windows)
 - DP4 Existing/Proposed Side Elevation (showing updated windows)
 - DP2 Proposed Rear Elevations (showing updated windows)
 - Location and Block Plan
 - Planning Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Planm and the Arun Design Guide.
- 2 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.
- 3 INFORMATIVE: This permission relates to the variation of condition 2 and 3 of planning permission WA/53/17/HH only. The applicant is advised and reminded that the other planning conditions attached to the original planning permission number WA/53/17/HH remain in force and must be complied with.