

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

REF NO: WA/15/14/HH

LOCATION: Lodge Cottage
The Street
Walberton

PROPOSAL: Erection of a new chimney, creation of a new external doorway; repositioning of ramped pathway; the installation of two new window openings. This application affects the character and appearance of the Walberton Village Conservaton Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal involves the alteration to fenestrations on the western elevation of the main dwelling, including the provision of a new door as the primary means of access and the realignment of the existing ramped entrance to serve this door. The existing entrance door, housed within a porch extension to the western elevation will be replaced with a window. The existing chimney will be removed and a new stack will be installed further towards the north of the dwelling.

The footprint and volume of the dwelling will not be altered.

SITE AREA

Approximately 455 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Various including sections of flint and brick walling, fencing and additional hedging in places.

SITE CHARACTERISTICS

The site is occupied by an L-shaped detached bungalow dwelling that has white painted brick elevations with red brick quoins and a flint faced gable end elevation facing onto the street.

CHARACTER OF LOCALITY

The site is located within Walberton Conservation Area which is notable for its informal arrangement of varied building styles and the frequent presence of flint walling which helps generate an overall appearance of an

attractive rural settlement.

RELEVANT SITE HISTORY

WA/87/03/	Widen existing vehicular access.	ApproveConditionally 24-10-2003
WA/4/14/	Single storey extension and new window to east elevation. This application affects the character and appearance of the Walberton Village Conservation Area.	Refused 11-03-2014

REPRESENTATIONS

Representations received:

Walberton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer
Southern Water Planning
Listed Building Officer
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

CONSERVATION AREA ADVISORY COMMITTEE: No objection. Materials to match existing.

COUNCIL'S ENGINEERS: No comment.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built-Up Area
Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)
[AREA2](#)

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
Conservation Areas

HER DM3 Conservation Areas
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
D DM4 Extensions & Alterations to Existing

Buildings
D DM1 Aspects of Form and Quality
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD2 Conservation Areas

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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.

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

It is considered that the proposed works represent minor cosmetic alterations to the dwelling that will not lead to a significant change in the character and appearance of the existing building. As such, it is considered that the proposal will preserve the visual quality of the surrounding Conservation Area.

The proposed new fenestrations will be well integrated with existing features and will not appear unbalanced or overly dominant.

The proposed windows and openings are at ground floor level, as are the existing features, and any views towards neighbouring residential property will be interrupted by existing site boundary treatment. The proposed new chimney is modestly sized and will not appear overbearing.

It is therefore recommended that the application is approved 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 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 it has been determined that its approval would result in a neutral impact 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).

As such, there is no requirement for specific mitigation measures to be implemented.

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:-

JW131104 - PL 01;
JW131104 - PL 02 rev A;
JW131104 - PL 103;
JW131104 - PL 104;
JW131104 - PL 105;
JW131104 - PL 106;
JW131104 - PL 107;
JW131104 - PL 108;
JW131104 - PL 109;
JW131104 - PL 110;

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 The materials and finishes of the external walls, chimney and window and door frames of the works hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.