

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

REF NO: WA/33/14/HH

LOCATION: Woodstock
The Street
Walberton

PROPOSAL: Proposed single storey extension. Resubmission following WA/43/13. This application affects the Character and Appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal represents a marginal enlargement of the extension previously granted planning permission under application WA/43/13.

The proposed extension measures 6.5 metres in width by 5.8 metres in depth with an additional 0.3 metre projection on part of the western elevation. Height to roof top is approximately 3.7 metres.

SITE AREA

Approximately 1,308 square metres.

TOPOGRAPHY

Predominantly flat though at a level higher than the adjacent highway.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Front boundary delineated by red brick and natural stone walling approximately one metre in height on top of which is a wooden trellis fence with shrubs and trees.

Western side boundary nearest the extension is a mixture of the side wall of the adjoining property and closed board fencing approximately 1.8 metres in height.

Eastern side boundary is a mix of brick walling and the side wall of the property on the east.

Rear boundary demarked by a mixture of trees and shrubs.

SITE CHARACTERISTICS

The site is occupied by a two storey detached property with a mixture of red brick with tile

hanging above, face brickwork and painted elevations. Evidence of extensions to the front and rear. Parking courtyard and detached garage on the eastern side of the property. uPVC windows and door.

CHARACTER OF LOCALITY

Rural village with a mix of residential properties detached and semi detached in various periods and styles. The site is located within Walberton Village Conservation Area.

RELEVANT SITE HISTORY

WA/43/13/	Single storey extension. This application affects the character and appearance of the Walberton Village Conservation Area.	ApproveConditionally 10-12-2013
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REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Conservation Officer

Consultations responses received:

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

Comments on Consultation responses:

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

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
HER DM3 Conservation Areas
SD SP2 Built -Up Area Boundary

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.

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).

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 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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

The proposed extension is modestly sized and will be set well back from the road, behind the line of the principal elevation of the dwelling. The extension will therefore have a minimal visual impact upon the street scene and the wider surrounding Conservation Area and, as such, there will not be any unacceptable adverse impact upon the character and appearance of the surrounding area.

It is considered that the proposed extension will relate sympathetically towards the existing dwelling in terms of design and scale. The false pitch roof will compliment the pitched roof of the main dwelling whilst the eaves height will match those of existing single-storey extensions to the building, producing visual continuity and preventing the various extensions from appearing cluttered and poorly integrated. The single-storey height will ensure that the extension maintains visual subservience towards the main two-storey dwelling.

It is considered that the modest height of the proposed extension will preclude it from causing unacceptable adverse impacts towards neighbouring properties by way of overbearing or overshadowing. All windows and openings are at ground floor height and any views from them

towards immediate neighbouring properties will be interrupted by existing site boundary treatment.

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 any 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:-

371/1b;
371/2;
371/3;
371/4;
371/5b;

371/6b;
371/7b;
371/8b;

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 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in 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.