

Recommendation Report for Planning Permission

REF NO: **WA/38/17/PL**

LOCATION: Walberton House
 The Street
 Walberton

PROPOSAL: Change of use of a store to a single dwelling with a porch extension & one additional window to north & west elevations & to east facing roof slope (Renewal of consent WA/6/14). This application affects the character and appearance of the Walberton Village conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is to convert an outbuilding (store) into a single 2 bedroom dwelling and is a renewal of a previous permission WA/90/10. The proposal includes a porch extension measuring 1.8m x 1.6m, three additional windows, bin and cycle storage and a small outside amenity area to the west enclosed by evergreen laurel hedging. The size of the application curtilage was increased following refusal of WA/41/10 to include repositioning of two car parking spaces to the east of the boundary wall.

The application is a renewal of planning permission WA/6/14 which expired on 09-05-2014.

SITE AREA

0.0279 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 36 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Flint wall abutting the building.

SITE CHARACTERISTICS

Two storey detached brick structure with pitched roof and chimney.

CHARACTER OF LOCALITY

The site is within the Walberton Park complex and is adjacent to a new bungalow (Walberton House).

RELEVANT SITE HISTORY

WA/90/10/ Change of use of a store to a single dwelling App Cond with S106

with a porch extension and one additional window to north and west elevations and to east facing roof slope. 03-02-2011

WA/6/14/ Change of use of store to single dwelling with porch extension & alterations. This application is a departure from the development plan ApproveConditionally 09-05-2014

REPRESENTATIONS

Representations received:

Walberton Parish Council
Support

Comments on Representations received:

None

CONSULTATIONS

Conservation Officer
Building Control
Environmental Health

Consultations responses received:

Environmental Health - No comment

Comments on Consultation responses:

- None

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary
Within a Conservation Area
Listed Building Grade II*
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [GEN2](#)
[GEN3](#)
[GEN12](#)
[DEV2](#)
[AREA2](#)

Built-up Area Boundary
Protection of the Countryside
Parking in New Development
Conversion of Rural Buildings for Residential Use
Conservation Areas

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

HER DM1 Listed Buildings
HER DM3 Conservation Areas
HER SP1 The Historic Environment
H DM1 Housing Mix
H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings
SD SP1 Sustainable Development
C SP1 Countryside

D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

[Walberton Neighbourhood Plan Policy 2017 VE4](#) Conservation Areas and Areas of Special
Character

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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).

Policies VE4 Conservation Areas and Areas of Special Character of Walberton Neighbourhood Plan is considered relevant

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

PRINCIPLE:

The site of Walberton Park (formerly Walberton House Grade II*) is outside the built up area boundary of Walberton. The proposal is to convert a former apple store into a single dwelling house. The proposal is therefore subject to the criteria set out in policy DEV2 of Arun District Local Plan and policy HDM3(4) of the Emerging Local Plan.

The application seeks to renew an earlier permission WA/6/14 which expired on 09-05-2017.

POLICY DEV2

Proposals for conversion of buildings for residential uses outside the built up area will be permitted provided that the building is structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension and that reasonable attempts have been made to market and use the premises for business purposes.

The site is within the walled enclosure of Walberton Park House which is predominantly residential in character. The building appears as a sound brick building and is capable of conversion. A structural survey has been submitted as part of the application and whilst the Council's Structural Engineer has not been consulted on this application he previously raised no objection. The alterations proposed are not significant as the existing structure has ground and first floor windows, the additional windows are considered de minimus. This part of the policy is therefore met. The premises have not been marketed for business purposes, but in this location adjacent to residential uses a business unit would not be appropriate. Overall the proposed use is considered the most acceptable having regard to the neighbouring building and the character of the surrounding area.

COMPLIANCE WITH SPACE STANDARDS:

Conversion to residential use is required to comply with the space standard policies DDM2 and DDM3 of the Emerging Local Plan. The size of the lounge/kitchen is compliant with these criteria, but the bedrooms are below (10.2 square metres instead of 12 square metres). The outside amenity area is also below standard. However given that the proposal represents conversion of a rural building it is considered that an exception to policy is acceptable in this location. The size of the curtilage should be minimised to restrict the impact of the proposal on the visual amenities of the wider landscape and the character and appearance of the Conservation Area and the area proposed is sensibly located and easily defined.

VISUAL AMENITY:

The store is an existing building and the only proposed alterations are the insertion of a roof light on the east elevation, a ground floor window on the north elevation, one first floor and one ground floor window and a porch on the west elevation. These changes are considered to be non-material to the visual appearance of the building. When viewed from The Street, within the Conservation Area, the visual appearance will remain unaltered. Therefore its visual appearance is preserved.

RESIDENTIAL AMENITY:

The proposal does not alter the overlooking of the existing property of Walberton House which will remain with a ground floor window which serves a kitchen. A roof light will be inserted, but this will not create any overlooking. On the west side which looks onto the driveway of Walberton Park House is proposed to insert one first floor window to serve the hall. This does not directly overlook any residential unit. Therefore it is not considered that there is any significant loss of residential amenity.

SETTING OF THE LISTED BUILDING:

The building is within the grounds of Walberton Park House. A Heritage statement supports the application. It is an existing building and therefore is not considered that the proposed conversion would adversely affect the setting of the Listed Building. Currently the building is screened by planting. The proposed car parking and amenity area could continue to be screened subject to a landscaping condition.

HIGHWAY ISSUES:

No new access is being created onto The Street and two car parking spaces are being proposed which are within the maximum parking standards.

SUMMARY:

The proposed conversion is not considered to result in any significant loss of visual or residential amenity. It is considered to be a good use of the redundant building and the car parking position is acceptable in terms of the impact on the Conservation Area.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 This permission relates to the following approved plans Drawing 1, Drawing 2, Drawing 3 and Drawing 4.

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 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the east wall at first floor level or above of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping hard and soft, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection and enhancement in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The window roof light hereby approved shall be conservation style only.

Reason: In the interests of the amenities as the site is with a designated conservation area and in accordance with policies GEN7, AREA2 of the Arun District Local Plan.

- 7 No development shall take place unless plans to a scale not less than 1:20 of typical elevations and sections of all new windows and doors and their decorative finishes shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building in accordance with the NPPF.

- 8 The use hereby permitted shall not be carried on until provision for cycle parking and bin storage has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To protect the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England)

Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no car parking shall take place on the site other than in the area indicated on the proposed car parking plan scale 1:200, drawing no 2.

Reason: To enable the Local Planning Authority to control the development in detail, in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 11 Before development commences the bin and cycle storage facilities hereby approved shall be enclosed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the locality in accordance with Arun District Local Plan policy GEN7.

- 12 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.