

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

**REF NO:**      **WA/45/13/**

**LOCATION:**    Hartley Cottage  
                 The Street  
                 Walberton

**PROPOSAL:** Proposed conservatory - This application affects the character and appearance of Walberton Village & Walberton Green Conservation Area

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above. As above. The proposed conservatory will project 2.55 metres from the rear elevation of the existing dwelling and will be 3.82 metres in width.                                                                                                                                                                                                                                       |
| SITE AREA                  | Mixture of flint walling, timber fencing and hedging, approximately 2 metres in height.                                                                                                                                                                                                                                                                                                         |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                             |
| TREES                      | None affected by the proposal.                                                                                                                                                                                                                                                                                                                                                                  |
| BOUNDARY TREATMENT         | Mixture of flint walling, timber fencing and hedging, approximately 2 metres in height.                                                                                                                                                                                                                                                                                                         |
| SITE CHARACTERISTICS       | The site is occupied by an end-of-terrace two-storey dwelling that has painted brick, flint and render elevations and a clay tiled gable roof which has a catslide slope to the rear. A dormer has been incorporated within the rear roof slope. There are single-storey flat roof extensions to the front of the dwelling. The building was recently converted to residential use from a shop. |
| CHARACTER OF LOCALITY      | The site is located outside of the built-up area and within a designated Conservation Area. The road that it is on is lined by an informal and fairly dense arrangement of terraced buildings that are positioned close to the street which is also bordered in many places by flint walling. Buildings consist of a variety of designs and scales.                                             |

**RELEVANT SITE HISTORY**

|           |                                                                                                                                                                                                                   |                                    |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| WA/55/07/ | The removal of existing shop front and reducing the size of the later flat roof extension to form a dining room. Also replace the existing felt flat roof with a lead clad flat roof with profiled eaves cornice. | ApproveConditionally<br>13-07-2007 |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|

**REPRESENTATIONS**

**Representations received:**

Walberton Parish Council

No objection.

**Comments on Representations received:**

Noted.

**CONSULTATIONS**

Conservation Officer

**Consultations responses received:**

None.

**Comments on Consultation responses:**

None.

**POLICY CONTEXT**

Outside Built-Up Area

Within Conservation Area

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:

[GEN3](#)  
[GEN7](#)  
[DEV19](#)  
[AREA2](#)

Protection of the Countryside  
The Form of New Development  
Extensions to existing residential buildings  
Conservation Areas

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**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 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

**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

report

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 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**

Although the site is located outside of the built-up area, it is within a well established settlement and, as such, the scheme will not involve any isolated development within the countryside which would adversely impact upon the overall rurality of the surrounding area. The conservatory will be positioned to the rear of the site and largely screened from view from the public domain due to its modest size and the screening provided by surrounding buildings and boundary treatment. It will therefore have a minimal visual impact and the character and appearance of the street scene and the wider surrounding Conservation Area will be preserved.

It is considered that the proposed conservatory will relate sympathetically towards the existing dwelling in terms of design and scale. Its modest size, particularly its single-storey height will ensure that it maintains a clear visual subservience towards the host dwelling and will also prevent it from appearing overly dominant or awkward in relation towards it.

Taking into account the aforementioned modest scale of the conservatory combined with its positioning away from site boundaries and the screening offered by existing site boundary treatment, it is not considered that it will give rise to any unacceptable impacts towards the occupants of neighbouring properties by way of overbearing, overlooking or overshadowing.

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 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:-

001;

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 **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.