

Recommendation Report for Planning Permission

REF NO:	WA/54/17/PL
LOCATION:	Walberton Baptist Church The Street Walberton BN18 0PG
PROPOSAL:	Single storey side extension to form new entrance lobby & disabled WC facilities. This application affects the character & appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed side extension measures approximately 2.6m high. A flat roof light is proposed on top which is proposed to be 2.m wide at the front, tapering to 1.6m wide at the rear and 7.1m long.
	The proposed materials would be brick, glass fibre felt roof, wooden windows and door (with glazed panel).
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The application property is open to the front. To the side there is a wall and gate approximately 2.4m high. The application property is constructed of brick/ flint beneath a slate roof.
SITE CHARACTERISTICS	The property is a detached chapel building set on a modest plot. There is a small open area to the rear of the front wall at the side of the chapel.
CHARACTER OF LOCALITY	The area is mixed albeit primarily residential comprising various building sizes and designs. A new residential scheme is being built to the rear of the site.

RELEVANT SITE HISTORY

There is no relevant planning history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council object for the following reason: Paragraphs 12 & 13 of the Design and Access Statement are still suggesting unacceptable painted walls and interlocking concrete tiles. Previously the Parish Council also suggested that foundations and party walls may be an issue.

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant's agent has confirmed in an e mail dated 19 October 2017, that paragraph 13 was a typographical error and as such an amended Design and Access Statement has been provided.

Materials will be face brick and a condition can be imposed to require them to match the existing property or be submitted for approval.

The errors of the original Design and Access statement were noted and corrected, however it is considered the application plans and other information were clear as to the nature and design of the development to allow a proper judgement to be made.

With regard to party walls and foundations these matters are not material planning considerations and controlled by other regulations.

CONSULTATIONS

Conservation Officer

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

The Councils Drainage Engineer recommends a condition to any permission.

The CAAC object on design grounds and the proposal's impact when viewed from the street scene. Suggest that the front elevation could be improved by the use of a parapet wall and coping.

Arun District Council Engineers have no objection subject to standard drainage condition.

The applicant's agent has provided additional comments amplifying the design credentials of the proposed scheme.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the conclusion below.

POLICY CONTEXT

Designation applicable to site:

Walberton Conservation Area

Built up area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
AREA2	Conservation Areas

Publication Version of the Local Plan (October 2014):

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

<u>Walberton Neighbourhood Plan Policy 2017 VE4</u>	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 and is 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.

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. The examination was completed in September 2017.

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. 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.

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).

The relevant policies in the Walberton Neighbourhood Plan have been taken into account in assessing this application.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act 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 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

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to compliance with relevant development plan policy which includes the relevant policies in the Walberton Neighbourhood Plan.

The application site is within the Walberton Conservation Area where policy AREA 2 of the Arun District Local Plan and policy VE4 of the Walberton Neighbourhood Plan state that proposals will not be supported which neither preserve or enhance the character or appearance of a Conservation Area or its setting. Therefore, this is a key consideration in the determination of the current application.

DESIGN

The proposed extension in itself is relatively modest in size and height. It is not prominently sited being located behind an existing 2.4m high side wall, to the side of the existing chapel and approximately 6m behind its front elevation. It is also located behind the existing 2.4m high side wall.

It is noted that due to the gentle rising slope behind the side wall, the proposed extension appears higher than the side wall by approximately 0.7m and as such is visible from the street. However, given its position behind the side wall and also its remote relationship to the existing neighbouring buildings the proposed extension is not considered to form an unduly dominant building in the streetscene. The comments of the CAAC are noted but it is considered that the use of a parapet wall and coping would increase the height of the extension thereby making it appear more dominant.

Views from either side are screened by the existing building and to the rear the proposed extension will not appear higher than the existing boundary wall. It is noted that to the rear of this wall a new residential development is under construction. Whilst the proposed brick material of the walls is considered acceptable in principle, it would be appropriate to impose a condition requiring samples to be submitted and approved by the Council's Conservation officer.

Therefore it is not considered that the proposed development is harmful to the character and appearance of the host property or the wider area and will preserve the character and appearance of the conservation area. It is considered to be comply to policies AREA 2 and GEN7 of the adopted Arun Local Plan 2003, HP13 and VE4 of the Walberton Neighbourhood Plan.

RESIDENTIAL AMENITY

Due to its distant siting from nearest buildings there is negligible impact to residential amenity to the north overlooking the road and the south, to the east which is the side elevation of the chapel. To the west is Lansdown House and this appears to have a building up to the boundary with the proposed development. Whilst this building has a small side window this does not appear to be to a habitable room and as such it is not considered that the proposal will be harmful to the amenity of the occupiers of this property.

CONCLUSION

It is considered that the proposed development would comply with adopted planning policies in the Arun Local Plan 2003 and the Walberton Neighbourhood Plan. As such it is recommended for approval 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 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 The development hereby approved shall be carried out in accordance with the following approved plans

Location plan
 Site plan
 Existing ground floor plan
 Existing elevations
 Proposed ground floor plan
 Proposed elevations
 Proposed cross section & roof plan.

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 No development above damp proof course (DPC) level shall take place unless and until materials and finishes to be used for external walls of the proposed extension and the velux flat roof light have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance

with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 **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.