

Recommendation Report for Planning Permission

REF NO: **WA/6/14/**

LOCATION: Walberton House
 The Street
 Walberton

PROPOSAL: Change of use of store to single dwelling with porch extension & alterations. This application is a departure from the development plan

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.

SITE AREA

0.0279 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

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/41/10/	Change of use of a store to a single dwelling with a porch extension.	Refused 15-09-2010	<i>Appealed</i> Appeal: Dismissed 27 07 2011
-----------	---	-----------------------	--

WA/90/10/	Change of use of a store to a single dwelling with a porch extension and one additional window to north and west elevations and to east facing roof slope.	Approved Cond + S106 03-02-2011
-----------	--	------------------------------------

REPRESENTATIONS

Representations received:

Walberton Parish Council

No Objection or comment

Six letters of objection:

With the porch entrance on the Walberton Park side of the proposed dwelling cars will inevitably be parked there for convenience in spite of the new plan. This will obstruct the entrance driveway making access for other residents difficult. Tradespeople will probably park in the access road too. If rubbish is put out on this side it would be unsightly. The logical place for the entrance would be the Walberton House side where the parking is allocated and where a door already exists. The whole concept has been designed to have minimum impact on Walberton House at the cost of its neighbours.

Planning notice was removed shortly after its display. Extra time should be given for comment. Windows and doors will overlook Walberton Park when they could easily be made to face the other way on to the grounds of Walberton House. The new doors and new windows are proposed on the Walberton Park side. There is no need for an additional door. Prime concern is the retention of the character of the Walberton Conservation Area.

Comments on Representations received:

Noted. The location of bin storage is considered acceptable. A condition relating to cycle storage has been requested by County Highways although the position of cycle parking is indicated on the car parking plan in the same position as approved in application WA/41/10. The agent has been asked to consider altering the position of the entrance to the building to be closer to the car parking, but it is considered that parking behind the existing gates and the use of a key to facilitate access will improve security. The windows do not cause any adverse overlooking effects. It is not considered that access would be impeded by the proposal or that the proposal has an adverse impact on the character of the Conservation Area. The application has been advertised in accordance with procedure and representations have been received after the end of the advertising period and are being taken into account prior to a decision being reached.

CONSULTATIONS

Engineering Services Manager

Engineers (structural)

WSCC Strategic Planning

Engineering Services Manager

Engineers (structural)

Conservation Officer

Consultations responses received:

County Highways

No objection. Request condition is imposed relating to cycle parking.

Structural Engineer

Structural condition report is satisfactory at this stage. Any construction related issues will be

dealt with during the Building Regulations stage.

Conservation Area Advisory Committee

No Objection. Details of new joinery and materials to be submitted. Roof lights Conservation style.

Conservation Officer

The key issue is to ensure that through conversion the property does not become too domestic in appearance. Control of materials and fenestration are therefore important and should be controlled by condition. They should be of good quality and reflect the age and character of the property.

Comments on Consultation responses:

Comments noted. Requested conditions have been imposed.

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](#)
[DEV17](#)

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

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

HER SP1 The Historic Environment
HER DM1 Listed Buildings
HER DM3 Conservation Areas
SD SP2 Built -Up Area Boundary
SD SP1 Sustainable Development
C SP1 Countryside
H SP2 Affordable Housing
D DM4 Extensions & Alterations to Existing Buildings
ECC SP1 Adapting to Climate Change
H DM3Agricultural,Forestry & Horticultural Workers' Dwelling
H DM1 Housing Mix
ECC SP2 Energy & Climate Change Mitigation
D SP1 Design
D DM1 Aspects of Form and Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
QE SP1 Quality of the Environment

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 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

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/90/10 which expired on 03-02-2014.

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 the Council's Structural Engineer has been consulted and raises 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. 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 now 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

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(the 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 neutral 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).

SECTION 106 DETAILS

The proposal is subject to an affordable housing agreement submitted with the earlier application (WA/90/10) and relates to contributions of ?9,128 in respect of affordable housing.

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, 2008 (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 2008, 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 the Town and Country Planning (General Permitted Development) Order 1995 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.

- 10 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.

- 11 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.

- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing.