

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

REF NO: Y/41/17/HH

LOCATION: Tryne Barn Hobbs Court
Bilsham Road
Yapton

PROPOSAL: New timber deck terrace in garden with trellis border on two sides.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The development is located to the rear of the property. Timber deck with timber trellis border.
SITE AREA	0.06 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m flint and brick wall to sides and front. Communal car park to rear.
SITE CHARACTERISTICS	Detached barn conversion with courtyard garden to rear, walled space to front and shared driveway with allocated parking to rear.
CHARACTER OF LOCALITY	Former farmhouse buildings which have now been converted now separate residential dwellings. The buildings vary in size and character and are mainly Grade II listed. The wider area is the hamlet of Bilsham with two density development surrounded by open fields.

RELEVANT SITE HISTORY

Y/3/89	Conversion of existing redundant farm buildings into 1 No. 4 bed, 1 No. 3 bed, and 4 No. 1 bed cottages	ApproveConditionally 05-07-1989
Y/60/90	Conversion of 2 no dwellings (as approved Y/3/89) into 1 no 3 bed unit	ApproveConditionally 08-10-1990
Y/105/13/	Amendment to previous approvals Y/3/89 and Y/60/90 for conversion of farm buildings to 3No. residential dwellings (Resubmission following Y/59/13).	ApproveConditionally 21-05-2014

Y/88/13/	Proposed conversion of outbuilding to single dwelling	ApproveConditionally 02-07-2014
Y/10/15/HH	Conversion of existing carport into garage	ApproveConditionally 17-03-2015
Y/3/15/HH	3 No. new velux windows, 1 No. new door, existing window to be changed to 1 No. new door, removal of 1 No. window, existing door changed to 1 No new window on East elevation with provision of slate roof to existing conservatory.	ApproveConditionally 10-04-2015
Y/65/15/PL	Convert outbuilding known as The Piggery to 1 No. single dwelling consisting of 3 bedrooms & the addition of 2 No. parking bays to existing car port & conversion of the total 5 No. car ports to garages by addition of doors to car ports to match the garages adjacent to Dovecote (amendment to Y/88/13/). This application affects the setting of a Listed Building.	App Cond with S106 05-11-2015
Y/42/17/L	Application for Listed Building Consent for new timber deck terrace in garden with trellis border on two sides.	ApproveConditionally 06-09-2017

Various planning application granted previously on the site.

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection.

One public representation stating no objection and that the writer is happy for the decision to be made by conservation and planning officers in line with all relevant standards and regulations for the area.

Comments on Representations received:

Comments noted.

The application will be decided under delegated authority.

CONSULTATIONS

Consultations responses received:

Historic Buildings Officer

Proposal not capable of support.

Whilst the barn and neighbouring outbuildings have been converted to dwellings, the landscape of the former farmyard remains important to the setting of these buildings.

The proposal to add decking with trellis fencing, which is distinctly a domestic feature, is

report

therefore difficult for us to support. This detracts from the sense of this as a former farmyard and the way the buildings are seen.

This is not to suggest that farmyards should be retained exactly as they were, but that any treatment seeks to retain its understated and open character.

I am also aware that other works of a domestic nature have already taken place here and seen in this context, you may wish to take the view that the decking is not any more harmful than what exists.

Comments on Consultation responses:

Comments noted.

The officer notes the comments of the Historic Buildings Officer in the final paragraph. Given the surrounding alterations and domestication of the dwelling and surrounding dwellings, it is not considered that the Council could fairly and reasonably refuse the application on design grounds.

POLICY CONTEXT

Designation applicable to site:
Outside of the built up area boundary
Grade II listed building

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2

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

Built-up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
HER DM1 Listed Buildings
HER SP1 The Historic Environment
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

[Yapton neighbourhood plan 2014 Policy BB1](#)

Built-up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 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).

The application is considered to comply with the relevant Yapton NDP policy BB1.

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 is located outside of the built up area boundary where the principle of development is unacceptable. However, the development is a modest extension to an established residential dwelling within a hamlet. As such the principle of this type of development is acceptable in line with saved policy GEN2 of the Arun District Local Plan 2003.

DESIGN AND IMPACT ON VISUAL AMENITY

The development is modest and constructed from timber which is considered to be a material suitable for residential developments, especially that of a garden environment. The development is not visible from the road; and given the various alterations to the house and area which have been carried out already is not considered to have a detrimental impact on the host dwelling or its setting as a listed building or neighbouring listed buildings.

RESIDENTIAL AMENITY

The development is located in a garden area and the trellis's height of 1.22m is considered to be modest. It is not considered that the development has a significant impact on residential amenity of neighbouring dwellings or the host property.

The development is considered to comply with saved policy GEN7 of the Arun District Local Plan in terms of impact on visual amenity and residential amenity.

Overall, the development is considered to comply with the relevant policies of the Development Plan and NDP and is recommended for conditional permission.

HUMAN RIGHTS ACT

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 approved shall be retained in accordance with the following approved plans:

0236/100

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.

- 2 **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.