

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

REF NO: Y/88/17/HH

LOCATION: Dyers Croft
Main Road
Yapton
BN18 0EA

PROPOSAL: Demolish existing open garage/store & replace with garage. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to demolish the existing single storey open garage and replace with a hipped roof, single storey double garage.
SITE AREA	3402sq.m.
TOPOGRAPHY	The site is set approximately 1m higher than the road level.
TREES	Various mature protected trees, and unprotected hedges, although none of these are deemed to be significantly impacted by the development.
BOUNDARY TREATMENT	2.5m high red brick wall to west side boundary, mature trees and foliage to east and south boundaries. North boundary is formed of a 2.2m (approx.) stone wall, when measured from road level. The wall is 1.3m (approx.) high when measured from site level.
SITE CHARACTERISTICS	Dyers Croft is a detached, two storey, grade II listed building in the Arts& Crafts style with a linked single storey outbuilding and carport to site. Driveway to front and garden to side, rear and front with various mature trees and foliage.
CHARACTER OF LOCALITY	Historic village within the Main Road/Yapton Road conservation area. This part of the road is characterised by detached houses set back from the road, most of which are listed or locally listed as buildings of character.

RELEVANT SITE HISTORY

Y/89/17/L	Listed building consent to demolish existing open garage/store & replace with garage.	Refused 16-02-18
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Engineers - Apply ENGD2A.

Conservation Officer -

The proposal is considered overly dominating and would harm the setting of the listed building, to which it would be attached. It is considered that the proximity and massing of the proposed is considered detrimental to the listed building, and the setting of a listed building. Proposed materials beyond 'to match' are not specified, as it is unclear as to whether this is the house/existing adjacent store is unclear, so it is not possible to comment on this aspect of the application.

Therefore, It is considered that the proposed development does not meet the following criteria for the reasons outlined:

Arun Local Plan 2011-2031 Policy HER DM1 Listed Buildings: Proposals affecting listed buildings will be required to:

a) preserve character

e) protect and enhance the setting of the buildings

- It is considered that the proposal fails to conserve or enhance the setting of the listed building, or its planned garden space.

- It is considered that the proposal does not adequately respond to local material, form or scale and adversely affects the character appearance and views in and out of the Conservation Area.

Paragraph 137 of the NPPF states that a new development within a conservation area and the setting of a listed building should 'enhance or better reveal the significance of a designated heritage asset'

- It is considered that the proposal does not adequately fulfil this criterion, and is contrary to:

NPPF Paragraph 132 requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development within their settings.

It is therefore concluded that the application be recommended for refusal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Grade II listed building

Within Main Road/Yapton Road conservation area

Tree Preservation Order

Within built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
DEV19	Extensions to existing residential buildings
GEN2	Built-up Area Boundary
GEN7	The Form of New Development

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 DM1	Listed Buildings
HER DM3	Conservation Areas
HER SP1	The Historic Environment

Yapton neighbourhood plan 2014 Policy E8

Conservation Areas

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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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).

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 conflict with relevant Development Plan policies in that it would by virtue of its unsympathetic proximity and massing and over dominant appearance, substantially harm the character & appearance of the host building, and its setting within the conservation area and setting of a listed building, in conflict with policies GEN7, DEV19 and AREA2 of the Arun District Council Local Plan, and EHERDM3 of the Emerging Local Plan and Y8 of the Yapton Neighbourhood Development Plan.

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 accordance with GEN2 of the adopted local plan. In this case the key policies are considered to be GEN7, AREA2 and DEV19 of the Arun District Council Local Plan and HERDM3 of the Emerging Local Plan.

DESIGN AND VISUAL AMENITY

The proposed garage extension, by virtue of its location, is partially visible from the street scene. The location of the proposal is on the North side of the site, with a separation distance of approximately 4m from the Northern boundary. This allows views of the proposed roof of the development from the street scene on 'Main Road', which is considered to have an unacceptably adverse impact on the established spatial pattern of the locality. Therefore, the proposal is not deemed to be in accordance with GEN7(ii) and DEV19

Due to the scale and unsympathetic massing of the proposal, it is considered to appear overly dominating to the host dwelling, not subservient. As a result of this, the proposal is deemed to have a detrimental impact on the host dwelling and the character of the area, in conflict with GEN7, DEV19(i) or (ii) of the Arun District Council Local Plan and E8 of the Yapton Neighbourhood Development Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal is 4m from its closest boundary and over 10m from its the closest adjacent dwelling. As a result of the significant separation distance from adjoining properties, the proposal is deemed to accord with policies GEN7(iv) and DEV19(iii) of the Arun District Council Plan, and is acceptable in terms of residential amenity.

SURFACE WATER DRAINAGE & FLOODING

The Council's drainage engineers have deemed that the proposal will lead to a significant increase in the amount of surface water runoff, and therefore there is risk of surface water flooding. As such, the relevant condition ENGD2A will be applied.

SUMMARY

The proposed development is deemed to be in conflict with relevant development plan policies and as such is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

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**REFUSE**

- 1 The development by virtue of its unsympathetic proximity and massing and over dominant appearance, would substantially harm the character & appearance of the host building, and its setting within the conservation area and setting of a listed building, in conflict with policies GEN7, DEV19 and AREA2 of the Arun District Council Local Plan, and EHERDM3 of the Emerging Local Plan and Y8 of the Yapton NDP.
- 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 identifying matters of concern with the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.