

PLANNING APPLICATION REPORT

REF NO:	EP/39/22/PL
LOCATION:	29 Tamarisk Way East Preston BN16 2TE
PROPOSAL:	Variation of condition imposed under EP/157/20/HH relating to condition 2-plans condition to include the retention of original outbuilding to the south of garage rather than the approved enlarged outbuilding, slight change to orientation of garage, removal of chimney, introduction of small catslide roof portion on the western elevation, removal of browed eaves above windows to become flat eaves, removal of covered bench building and revert to the existing rainwater below ground rather than soakaways due to the reduction of the footprint.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to vary condition No.2 relating to the approved plans, namely, removal of a garden outbuilding, retention of existing pool plant house, relocation of approve garage, removal of chimney, introduction of catslide roof to western elevation and removal of 13 eyebrow roof features from above first floor windows.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

EP/105/21/DOC	Approval of details reserved by condition imposed under EP/157/20/HH relating to condition 3-schedule of materials and finishes.	DOC Approved 26-10-21
EP/157/20/HH	Demolition of part of existing garage and outbuildings. Erection of new 3 bay garage. Extensions and internal and external remodelling of existing dwelling including change from thatch to clay tiled roof.	ApproveConditionally 09-02-21

This application seeks the variation of condition No. 2 of EP/157/20/HH and makes small amendments to the amount of built form and to design features previously approved by EP/157/20/HH.

REPRESENTATIONS

East Preston Parish Council - Objection  
Concerned about the removal of a chimney and the removal of the browed eaves above the windows.

- 1 letter of support:
- Changes make good sense from an environmental point of view.
  - Removal of structurally unsound chimney that has been unused for a number of years.
  - The raised eaves are not structural but were created by thatcher's over the years.
- 1 letter of objection:
- Building was to be of an arts and craft design. These changes do not represent an arts and craft style.
  - The fascia has also been changed without being noted on the revised plans.
  - 1st floor eyebrow window has been enlarged from the original design.
  - Retrospective planning application as these items have already been constructed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

POLICY CONTEXT

Designation applicable to site:  
Within built up area boundary.  
Locally Listed Building.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

<a href="#">East Preston Neighbourhood Plan 2014 Policy 1</a>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2	Design in Character Area One

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## 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 those items that require consent will not significantly harm the character and appearance of the area nor the residential amenities of neighbouring occupiers.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan, namely the fall back position of Permitted Development. Class C of Part 1, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 relates to any alteration to the roof of a dwellinghouse.

## CONCLUSIONS

### PRINCIPLE

In this case, the key policies are D DM1, D DM4 and HER DM2 of the Arun Local Plan. Additionally, Policies 1 and 2 of the East Preston Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM2 of the Arun Local Plan relates to Locally Listed Buildings or Structures of Character. First, it sets out the criteria that should be met by the buildings in order to become locally listed. With relation to the alteration or extensions of buildings on the Local List, it states that the proposal should relate sensitively to the building, respecting its architectural, landscape or historic interest.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene and resist any increases in density that would alter this character. It also seeks to avoid apartment block development and protect the view from the beach.

Arun has adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance.

#### **DESIGN AND VISUAL AMENITY**

This proposal relates to various design details. Firstly, the removal of a chimney at the property, secondly the provision of a standard eaves line over that of the approved eyebrow eaves and the addition of small section of catslide roof to the western elevation. All these features are visible from the street and as such influence their character. However, given their subservient form and scale to the overall appearance of the host dwelling, their siting back from the primary elevation and reduction in scale over approved features, these will not significantly harm the character of the area.

Overall, the additions to the scheme will be built from materials which match and will achieve good visual integration. The chimney is not a noteworthy feature, especially as there are two others serving the property. The loss of the eyebrow features is cited as a reason for objection by the Parish. The buildings to Tamarisk Way are of unique character to one another, this building due to its roof design details had a strong individual character which contributed to it being a locally Listed Building. The eyebrow windows formed an integral part of that character and their loss does not sympathetically relate to the host dwelling and does not demonstrate a high standard of architectural principles as required under policies D DM1(2) and D DM4 (a). It is agreed with the Parish Council that the loss of these features will harm the character of the building.

Under Class C Part 1, Schedule 2 of the GPDO alterations to the roof of a dwellinghouse can be undertaken without the need for planning permission, including changes to the materials the roof is to be built from. By reason that the removal of the eyebrow features reduces the overall scale of the roof, this can be undertaken without the prior need of approval from the Council. A fall-back position such as this has a material consideration when determining applications, therefore on balance, although the removal of the eyebrow features does not fully accord with policy refusal of this application cannot be justified.

The omission of the garden bench outbuilding and the retention of an existing pool plant room are not visible from the street and there will be no visual impact on the character of the host dwelling or wider area.

Policy 1 and 2 of the East Preston Neighbourhood plan (EPNP) are largely restrictive in nature. The proposed changes still retain the overall massing, material choice and density of the application in accordance with policy.

Although the loss of the eyebrow features above the existing first floor windows is seen to have a detrimental impact on the character of the host dwelling, by reason of a Permitted Development fall-back position, the amendments to the scheme are acceptable in accordance with policy D DM1 and D DM4 of the Arun Local Plan, and policies 1 and 2 of the EPNP.

#### **RESIDENTIAL AMENITY**

No increase in the scale or massing of the application is proposed. A garden outbuilding has been omitted from the scheme, and another existing building retained meaning that another larger outbuilding will now not be built. The slight adjustment to the position of the garage which moves the building away

from its nearest shared boundary (eastern) and no further forward in the street scene, will mean that the building is less overbearing on neighbours. All other alterations are contained within the existing footprint of the building.

No additional windows are proposed in the scheme, therefore there is no impact to overlooking or privacy.

In terms of being overbearing, overshadowing and overlooking the proposed amendments accord with policies D DM1 and D DM4 of the Arun Local Plan and Part M of the Arun Design Guide.

LOCALLY LISTED BUILDING

The host dwelling is designated as a Locally Listed Building, and therefore Policy HER DM2 of the Arun Local Plan applies, which seeks to ensure that proposals which alter or extend buildings on the Local List are sympathetic to its character and protect its interests. In this instance, the proposed loss of the eyebrow windows will negatively impact the character of the host dwelling. As discussed above these alterations can be undertaken under Permitted Development rights and therefore on balance their loss is acceptable.

No objection is raised to the loss of the chimney, which is not a notable feature.

SUMMARY

Although the loss of the eyebrow features above the existing first floor windows is seen to have a detrimental impact on the character of the host dwelling, by reason of the above discussed fall-back position, planning permission is recommended 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.

## CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

## RECOMMENDATION

### APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans :

- Proposed Site Plan - 1469/NA10B
- Proposed Ground Floor - 1469/NA15A
- Proposed First Floor - 1469/NA16A
- Proposed Second Floor - 1469/NA17A
- Proposed Roof - 1469/NA18A
- Proposed Elevations 1469/NA14E
- Proposed Elevations 1469/NA13E
- Proposed Elevations 1469/NA12E
- Proposed Elevations 1469/NA11E

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission EP/157/20/HH only. The applicant is reminded that all other planning conditions attached to the original planning permission number EP/157/20/HH remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 3 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.

## BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**EP/39/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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