

PLANNING APPLICATION REPORT

REF NO: AB/128/22/PL

LOCATION: 55 Fitzalan Road
Arundel
BN18 9JP

PROPOSAL: Variation of condition following APP/C3810/D/22/3294699 (AB/130/21/HH) relating to Condition No 3 - materials.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Variation of condition following appeal decision on AB/130/21/HH relating to Condition No 3 - materials. In allowing this appeal, the Inspector imposed condition number 3 which required that the materials to be used in the construction of the proposed works needed to match those of the existing dwelling. However, he also agreed two plans (drawings number P10a and P11a) as part of condition number 2, that show non-detailed vertical boarding, and smooth rendered walls to sections of the works proposed. Therefore, so as to align with that appeal decision, this application seeks to delete the inspectors condition number 3 which required the works to be constructed of materials to match host dwelling.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	1.8m wooden boundary fence to the shared neighbour site boundary (North) and low-level wooden picket fence to the side site boundary that borders the open fields (South).
SITE CHARACTERISTICS	Semi-detached bungalow.
CHARACTER OF LOCALITY	Residential / semi-rural. The area is populated by a variety of terraced / semi-detached two storey dwellings and semi-detached bungalows with various and frequent extensions and alterations. To the East and South there is a large area of open land, to the West is the River Arun, and to the North is the A27.

RELEVANT SITE HISTORY

AB/21/22/HH	Single storey rear extension. Front and rear facing flat roof dormers and porch to front.	ApproveConditionally 25-04-22
AB/130/21/HH	Erection of single storey rear extension. First floor front and rear facing dormer. Porch to front.	Refused 21-12-21

AB/88/21/HH

Single storey rear extension. First floor extensions
replacing hipped roof with flat roof. Porch to frontWithdrawn
27-08-21

Noted.

REPRESENTATIONS

Arundel Town Council - Object:

- The council do not support the composite materials being used and would like to see something more sympathetic.

COMMENTS ON REPRESENTATIONS RECEIVED:

How the proposed materials relate to the locality is addressed within the conclusions section to this report.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary.

2km Buffer for Site of Special Scientific Interest.

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

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 the area is characterised by dwellings with a diverse material palette of external wall materials including brick, render, composite cladding, tile hanging, painted wooden boarding and lead. As such, the materials proposed would not detract from the character of the area.

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 no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

CONTEXT

This application has been submitted with the aim to remedy a contradiction of conditions that resulted from the recent appeal decision. The appeal decision granted consent for the proposal subject to a condition for the development to be built in accordance with the submitted plans (Condition No. 2) and a condition for the proposed materials to match the existing dwelling (Condition No. 3). The elevational plans approved, noted the use of vertical boarding which is not present on the existing dwelling and as such, there is a contradiction of conditions.

This application sought to vary Condition No. 3 of the allowed appeal decision from 'The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building' to a materials condition that requires details of the materials to be submitted to and approval by the Local Planning Authority. Details of the proposed vertical boarding were also submitted within this application in the hopes to discharge this condition within the same application.

Condition No. 3 cannot be varied in such a way and discharged within the same application. To resolve the contradiction, it has therefore been agreed with the agent that this application is to delete Condition No. 3 regarding materials to match the existing dwelling, and amend condition No. 2 regarding the plans, to include the document that shows the boarding that was submitted with this application.

PRINCIPLE

Policy D DM1 sets out thirteen design aspects of which applications should be assessed against. Those relevant to this application are Character and Appearance.

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

Policy D SP1 of the Arun Local Plan is concerned with the design of new development and states that it should be informed by sustainable design and should reflect the characteristics of the existing site and the locality in which it is situated. These characteristics include materials, finish, and architectural details.

Section L of the Arun Design Guide relates to materials used within development. It generally seeks to ensure materials reflect local vernacular and encourages traditional and robust materials that weather well over time. The proposed materials will reflect the local vernacular in that they are similar to those within the locality and that the area already features a diverse material palette. Whilst not traditional materials, they are robust and will weather well over time.

DESIGN AND VISUAL AMENITY

The street in which the approved development is to take place, is populated by a series of dwellings with front dormers of differing scales, materials, and coloration. These dwellings, and their dormers, have external walls featuring brickwork, render, wooden boarding, composite cladding, tile hanging and lead cladding. There exists an apparent diversity in the materials that populate the street scene including the use of composite cladding. In this instance, the proposed boarding would be a wood effect composite boarding of moderate tone that is vertical in orientation. Whilst this specific coloration of boarding would be a new introduction to the street, it remains a form of composite cladding and would only add to the already diverse material presence that contributes to the character of the locality, therefore, it is not out of character with the locality.

The proposed boarding is illustrated on multiple sections of the approved elevations and therefore, the materials would be visually integrated with the dwelling following the conclusion of the works.

Furthermore, the host dwelling is a semi-detached bungalow at the end of a long cul-de-sac that neighbours a large area of open land. Whilst the proposed boarding is a composite material, the wood effect and tone of the boarding, provides a natural visual appearance that would be acceptable within the semi-rural context of the dwelling.

Given the locality's diverse material palette and the lack of adverse visual impact on the dwelling or character of the area, the proposal is compliant with relevant Development Plan policies D SP1, D DM1(1) & D DM4(a) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

Given the nature of this proposal, there will be no impacts of neighbouring amenity.

SUMMARY

The proposal is compliant with relevant Development Plan policies and as such, it is recommended for approval.

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 carried out in accordance with the following approved plans:

- Floor Plan, Roof Plan & Elevations (Drawing No. S01).
- Floor Plans, Elevations & Location Plan (Drawing No. P10a).
- Roof Plan, Elevations & Block Plan (Drawing No. P11a).
- Email including image of proposed material 'Oak boarding in vertical orientation' (dated 10/10/22)

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:** Condition 1 to this report is to replace Condition 2 of planning application ref: AB/130/21/HH. Condition 3 of planning application ref: AB/130/21/HH is to be deleted and all other conditions imposed under planning application ref: AB/130/21/HH remain in place.

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)

AB/128/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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