

PLANNING APPLICATION REPORT

**REF NO:** BE/152/22/PL

**LOCATION:** 40-54 Maple Gardens and  
1-9 Sycamore Road  
Bersted  
PO22 9LB

**PROPOSAL:** Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the removal of existing timber cladding and installation of new Hardie Plank cement board product to match existing in appearance, windows currently set into the clad areas will also be replaced with new windows on a like for like basis and existing rainwater goods will also be replaced on a like for like basis. This site is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

<b>DESCRIPTION OF APPLICATION</b>	This application seeks permission under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the removal of timber cladding and the installation of new Hardie Plank cement board to match the existing, windows currently set into the clad areas will be replaced with new windows on a like for like basis as will rainwater goods.
<b>SITE CHARACTERISTICS</b>	Dwellings.
<b>CHARACTER OF LOCALITY</b>	Residential.

**REPRESENTATIONS**

Bersted Parish Council - No Objection. Ask that the work combines upgrading the EPC rating on these properties.

No representations received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. No details of upgrading of energy performance have been sent, or are required.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

ADC Estates Manager - No response.

**COMMENTS ON CONSULTATION RESPONSES:**

None.

## POLICY CONTEXT

Built Up Area Boundary  
CIL Charging Zone 4

## 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

Bersted Neighbourhood Plan 2014 Policy ES1      Design of new development

## 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.

The relevant Bersted Neighbourhood Plan policies have been taken in to account.

## 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 complies with relevant Development Plan policies in that the replacement components, on a like for like basis, would not harm the character of the area or residential amenity and would conform with development plan policies.

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

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

## CONCLUSIONS

### PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan, and guidance outlined in the Arun Design Guide.

Bersted has a 'made' Neighbourhood Development Plan, of which policy ES1 is relevant. This policy is concerned with the design of new development and states that new development which would have an effect on the appearance or character of the surrounding area should be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location.

### DESIGN AND VISUAL AMENITY

The works will be to all elevations of both residential complexes, and visible from the public realm.

The works include the replacement of cladding to the second floor of both buildings with Hardie Plank VL range board cladding. This will match the existing configuration and the cladding is to be chestnut brown, which will be slightly different in shade to the existing reddish-brown timber cladding. This change will be of minimal impact to visual amenity, and will be an improvement on the existing cladding, which is in a state of deterioration. It will retain the character of the buildings, along with the character of the area, and have a minor impact on the visual appearance of the estate. The works cause no harm to the composition or appearance of the locality.

The works include the replacement of windows and rainwater goods in this 'cladding zone', which will be on a like for like basis. These replacements are acceptable and will have an insignificant impact on the appearance of both buildings, and the character of the area.

The proposal will be subservient to the design of the host buildings. Despite Hardie Plank cladding differing to the existing timber cladding, it is a suitable alternative and will have minimal intrusion on visual amenity. The proposal is appropriate in terms of scale and massing for its context and will not be dominant or obtrusive to the main buildings. The works accord with policy D DM1 and D DM4 of the Arun Local Plan and ES1 of the Neighbourhood Development Plan.

### RESIDENTIAL AMENITY

As the alterations do not result in any change to the footprint or height of the buildings, the proposal will have no adverse overbearing or overshadowing impact on neighbouring properties. The works comply with D DM4 and will not result in any harm to residential amenity.

The location of the windows and doors are retained, with the works primarily concerned with the cladding of external walls. All windows in the 'cladding zone' will be replaced on a like for like basis, with no change to their scale or location. There will be no increase in the overlooking of neighbouring properties than already present.

The Arun Design Guide states developments should protect neighbouring amenity in terms of privacy and overshadowing, consider the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows. The proposal accords with these criteria.

The proposal poses minimal impact to residential amenity and is in accord with D DM1 and D DM4 of the Arun Local Plan, and the Arun Design Guide.

#### **SUMMARY**

The development is in accord with the relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

#### **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 not CIL Liable.

#### **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 The development hereby approved shall be carried out in accordance with the following approved plans:

- Block Plan
- Location Plan PL/01
- 1-9 Sycamore Road Proposed Elevations, Roof Plan PL/02

- 40-54 Maple Gardens Proposed Elevations, Roof Plan PL/03

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.

- 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)

**BE/152/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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