

Recommendation Report for Planning Permission

REF NO: AB/27/20/PL

LOCATION: 6 The Old Slipway
River Road
Arundel
BN18 9EY

PROPOSAL: New balcony. This application may affect the setting of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a balcony.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is a second storey flat, there is no boundary treatment.
SITE CHARACTERISTICS	The site is a block of flats.
CHARACTER OF LOCALITY	The host building is located within Arundel Conservation Area.

RELEVANT SITE HISTORY

AB/26/20/PL	New balcony. This application affects the character and appearance of the Arundel Conservation area.	
AB/29/14/HH	Formation of Juliet balcony. This application affects the character and appearance of the Arundel Conservation Area.	Refused 30-04-14

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council
Parish Council - No objection.

1 letter of objection from local occupier.

- There will be a loss of privacy to local occupiers due to the balcony.
- There will be a detrimental impact upon the character of the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Comments raised will be addressed within the Conclusion section.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The Council's Conservation Officer - No objection.

- It would be preferable if this application and AB/26/20/PL were constructed at the same time.
- The proposal should match in materials to those existing on the host building.
- The proposal does not cause harm to the significance of the heritage assets in the area.

Conservation Area Advisory Committee - No objection.

- It would be preferable if this application and AB/26/20/PL were constructed at the same time.
- The proposal should match in materials to those existing on the host building.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Within Arundel Conservation Area

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
HERDM3	HER DM3 Conservation Areas

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

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 comply with relevant Development Plan policies in that the proposal is not considered to result in any harmful impact upon the character of the host building, or its locality. Furthermore, the proposal is not considered to result in any harmful impact on residential amenities of neighbouring occupiers.

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

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy AR1 of Arundel 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 DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to have any significantly harmful impact upon the character of the host building, or its locality. This is due to the modest scale of the proposed balcony, and its siting being distanced enough from other balconies in order to prevent a crowded elevation. Due to the siting of the balcony on the Southern elevation of the building, the balcony will not have any presence within the street scene of River Road. Whilst it is noted that application AB/26/20/PL is for a similar balcony, the proposal must be considered in context with the built form on the site at current. Similar materials for the windows are proposed to those within the area, which is considered to allow the proposed windows and balcony to resonate with the appearance of the host building.

As such, the proposed development is considered to be in accordance with D DM1, D DM4 and HER DM3 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significant harm on the residential amenities of neighbouring dwellings. This is due to the modest scale of the proposal, and its siting.

With regard to the loss of privacy, the proposal is not considered to result in any views that would result in unacceptable overlooking of neighbouring dwellings, due to its siting adjacent to the River Arun. Furthermore, whilst it is noted that the proposed balcony may result in some overlooking of adjacent dwellings, there are many examples of balconies within the area. Additionally, due to depth of the private amenity areas within the area, and the depth and siting of the balcony itself, any views towards the nearby amenity areas are not easily achievable, especially given the casual use of the balcony.

It is noted that there is scope for views between the proposed balcony and the balcony proposed under AB/26/20/PL. The balconies are sited approximately 8m apart and also, the limited scale and depth of the balcony means that it will be lightly and casually used meaning that any potential overlooking will be limited and infrequent and therefore acceptable.

Therefore, the proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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

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 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:

- Site/Block Plan as Proposed - 2004/C01 - Mar 2004
- Second Floor Plan & Elevations as Proposed - 2004/C02 - Mar 2020

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.