

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

REF NO: AB/36/19/HH

LOCATION: 44 Fitzalan Road
Arundel
BN18 9JS

PROPOSAL: Rear single storey orangery extension to replace the existing conservatory.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect a single storey rear extension, replacing the existing rear extension.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

CONSULTATIONS

Arboriculturist

Environment Agency

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES[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
SDSP2	SD SP2 Built-up Area Boundary

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy1 & 2 of the Arundel Neighbourhood Development Plan. It is noted that Arundel has an emerging Neighbourhood Development Plan, of which Policy AR1 is relevant, although has limited weight.

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.

DESIGN AND VISUAL AMENITY

Due to its location, the proposed development is not visible from the street scene and therefore does not give rise to any unacceptable adverse impact on the character of the locality or the established pattern of the area.

The maximum height of the proposed development is 3.4m from ground level, however, this is as a result of a roof lantern, the majority of the proposal is approximately 2.7m from ground level. This is approximately 0.2m higher than the existing rear extension. Therefore, the proposed development is considered to appear subservient, nor is it deemed to harm its established character.

The application is considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposals maximum height is 3.4m however, this is atop of a rooflight, which is set 0.9m away from the Northern edge of the extension, the majority of the extension is 2.25m lower than the existing ridge height of the dwelling, and there is not deemed to give rise to any significant adverse impact on neighbouring residential amenity. There is not considered to be a significant loss of privacy as the proposal features no windows on its Northern elevation, and even if there were, any views would be impeded by the fencing that lies between the two properties.

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:

- Location Plan - GJ/0319/PA/01
- Proposed Orangery - GJ/0319/D/01
- Proposed Orangery - GJ/0319/PA/04

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.