

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

REF NO: AB/38/22/HH

LOCATION: 114 Fitzalan Road
Arundel
BN18 9JY

PROPOSAL: Retrospective application for the construction of a summerhouse to the rear of the dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks retrospective planning permission to erect a single storey outbuilding to the rear fronting the riverbank.

The proposal sits 6.78m to the mean high water line and 750mm to the southern boundary. The materials which have been used to construct this outbuilding consist of the walls being grey cement fibre cladding with a flat roof covering. A set of bifold doors lead out onto a decked area, 3m in depth leading to the river.

At the rear (east) elevation the outbuilding has a height of 4.16m to ground level and at the front elevation (west) a height of 2.36m, this is due to the steeply sloping river defences. Is overall width is 3.74m and depth is 2.53m.

REPRESENTATIONS

Objection from Town Council due conflict with policy D DM1 of the Arun Local Plan.

2 letters of objection.

- The summerhouse is built too close to the adjoining property.
- The decking is also higher on the bank than the others thus blocking the flow of the river line and bank.
- The height is also not in sympathy with its neighbours. Particularly 112.
- Obscures daylight to side facing window.
- Will cause damage to existing neighbouring buildings.
- Flat roof out of character with other pitched roofs.
- Decking is too high and feels intrusive.

Environment Agency - No Objection.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Issues relating to ongoing maintenance of the pair of adjoining buildings are not a planning concern. The other issues are discussed below.

POLICY CONTEXT

Built up area boundary.
SSSI.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

[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

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy AR1 of the 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.

Arun recently 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.

Arundel has a made Neighbourhood Plan with policy AR1 of relevance to the application. The proposal complies with this policy being located within the built-up area boundary.

DESIGN AND VISUAL AMENITY

The proposal is situated at the rear of 114 Fitzalan Road and will not be visible to the street scene and the wider area due to its siting, and therefore will not have an impact on the character and appearance of the area. However, the outbuilding will be visible to the path and river scene opposite the rear of 114 Fitzalan Road. The single storey nature of the building from this angle and distances involved are sufficient for there to be no unacceptable impact on character and appearance of the area at this point.

As a flat roof design, this building differs from others surrounding it however given the eclectic mix of outbuildings in this location the differing design does not negatively impact the surrounding area and as an outbuilding to the rear of the property is subservient to the host dwelling.

Comments have been received relating to the positioning of the building. It is noted that other

outbuildings have been built up to the boundary lines and as such this building does not compromise the established spatial composition of the area.

As a result, this proposal does not result in an unacceptable adverse appearance on the street scene in accordance with policies D SP1 and D DM1 of the Arun Local Plan and J.01 of the Arun Design Guide which outlines that built form and character varies considerably throughout the Arun District as a whole and within the settlement character areas identified in section C.06 of the design guide.

RESIDENTIAL AMENITY

From the river bank the outbuilding is single storey, by reason of the sharp riverbank drop the rear elevation, facing the properties it gives the outbuilding the appearance of a two-storey structure. It is noted that most of the buildings located in the vicinity also have this height difference effect. Overall, the height of the structure is 200mm higher than the neighbours outbuilding to the north.

The single storey nature and the location of the building neighbouring long rear gardens means that there will be no unacceptable overshadowing or overbearing effects on neighbouring occupiers/dwellings. As a structure of similar bulk to its neighbours, which has a rear elevation which is flush with others around it and as secondary space to that of the main dwellings, no unacceptable negative impact from being unneighbourly is evident.

Although a decked area has been provided to the front of this outbuilding which due to its position further up the bank, is higher than others in the immediate area, there is no restrictions currently in place stopping the occupiers sitting at the top of the bank, with or without the decking. It was noted during the site visit that other neighbours have placed garden furniture on top of the bank. The presence of the deck has no unacceptable effect on the levels of overlooking into or being overbearing to the other outbuilding in this location. It is reaffirmed that as outbuildings, which are not primary habitable spaces, the expected level of privacy is less than expected for the host dwellings, and a level of overlooking, given the views the building is attempting to gain, should be expected.

There is a high-level window to the eastern elevation, this is set a considerable distance from the rear elevations of the dwellings in Fitzalan Road and as such does not afford the building with views not already achievable.

Other windows face south towards the side boundary/river and west towards the river. Given the nature of the site i.e., large amounts of glazing facing the river, proximity of the buildings; it affords the occupiers of the outbuilding views achieved by other occupiers in the area and therefore does not negatively impact neighbour's amenity.

As such, the proposed development is in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development accords with 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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Location and block plan 003 A
- Proposed Floor Plans 001 A
- Proposed Elevations 002

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:** 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.