

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

REF NO: AB/42/21/HH

LOCATION: Riversong
19C River Road
Arundel
BN18 9EY

PROPOSAL: Formation of Juliet balcony

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Installation of glass balustrade to form Juliet balcony on southern elevation of property at first floor level.

REPRESENTATIONS

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Arundel Conservation Area
2km Buffer Zone SSSI

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 2014 POLICY13:](#) Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

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

CONCLUSIONS

PRINCIPLE

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 relate to conservation areas and states that proposals must protect and if possible, enhance the setting of the area.

Arundel has a made neighbourhood plan, policy 13 related to buildings and structures of character and is of relevance to this application.

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. In this instance, a rear additions should also not negatively impact adjoining properties in terms of privacy and overshadowing and preserve rear amenity space to at least 10.5m in depth.

Chapter 16 of the NPPF paragraphs 189, 192,193 and 196 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and the its weight against public benefits of the proposal.

DESIGN AND VISUAL AMENITY

The proposal does not alter the layout or amount of building. The creation of a juliet balcony will allow the occupiers to fully enjoy their first-floor patio doors in safety. The use of glass means that there is very little visual intrusion and that the external character of the property will not be significantly affected. In terms of design and visual amenity the proposal is thought to comply with policies D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide

OVERLOOKING

It is noted that the property was afforded a balcony in this position however it was removed to undertake river flood defences. It is not considered that any overlooking from the balcony will occur, the only views achievable will be on to the river which the properties almost directly abuts. In terms of overlooking the proposal is thought to comply with D DM4 of the Arun Local Plan and the Arun Design Guide.

EFFECT ON THE STTING OF A CONSERVATION AREA AND LOCALLY IMPORTANT HERITIAGE ASSETS

The property is at the southern edge of the Arundel conservation area, its rear boundary with the river forms the boundary. The works are to the rear and cannot be seen from the street and as such are not visible from within the conservation area. The works will be visible when viewed from outside the conservation area, however, there is only one public viewpoint across the river from which this is possible.

Paragraph 189 of the NPPF requires the LPA to consider the significance of the impact on the asset. It is considered that the proposal provides less than substantial harm to the conservation area.

If there is less than substantial harm on the heritage asset, it is necessary under para 196 of the NPPF to weigh this against the public benefit of the proposal.

Public benefits may include heritage benefits such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risk to a heritage asset
- Securing optimum viable use of a heritage asset in support of its long term conservation.

It is considered that the proposed works sustain the use of the building so that it protects the heritage asset in accordance with policy HER DM3 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development 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 CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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;
 - 2748/01/01
 - Design and Access Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1, D DM4 and HER DM3 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.