

Recommendation Report for Prior Notification

REF NO: AB/43/25/PD

LOCATION: Riverside House
2 Fitzalan Road
Arundel
BN18 9JS

PROPOSAL: Notification for prior approval under Schedule 2, Part 1, Class AA for the erection of 2 additional storeys on existing dwelling house up to a maximum height of 13.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application is a prior approval notification under the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) Part 1, Class AA to determine whether the Local Planning Authority has any objections on the following matters:</p> <p>(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;</p> <p>(ii) the external appearance of the dwellinghouse, including the design and architectural features of-</p> <p>(aa) the principal elevation of the dwellinghouse, and</p> <p>(bb) any side elevation of the dwellinghouse that fronts a highway;</p> <p>(iii) air traffic and defence asset impacts of the development; and</p> <p>(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;</p>
SITE CHARACTERISTICS	The property is occupied by a 2 storey detached house with pitched roof and mainly brick elevations.
CHARACTER OF LOCALITY	The area is mixed in use with both commercial and residential properties within the vicinity. The property is also immediately adjacent The River Arun.

RELEVANT SITE HISTORY

AB/117/23/PD	Notification for prior approval under Schedule 2 Part 1 Class AA for the erection of one and two additional storeys on existing dwelling house up to a maximum height of 14m.	Objection 14-02-24
		Appeal: Dismissed 23-07-24

REPORT_1011(ODB)

AB/3/21/PD	Notification for Prior Approval under Schedule 2 Part 1 Class AA for erection of one and two additional storeys on existing dwellinghouse.	No Object'n + Conds 08-03-21
------------	--	---------------------------------

AB/114/20/PD	Notification for Prior Approval under Schedule 2 Part 1 Class AA for a additional 2 storeys on existing dwelling house.	Objection 18-12-20
--------------	---	-----------------------

AB/114/20/PD - This application applied for an additional two storeys but was objected to, in part, on the grounds of providing an additional storey above a part of the dwellinghouse that is not the principal part of the dwellinghouse.

AB/3/21/PD - This application applied for the same proposal as AB/114/20/PD following discussion relating to the reason for objection of AB/114/20/PD. It was then not objected to.

AB/117/23/PD - This application applied for a proposal as AB/114/20/PD, but upon review, it was found that the proposal was not compliant with the relevant criteria and was objected to. It was then appealed and subsequently dismissed, confirming the grounds for objection, but also asserting that the front and rear bay features, and a front lean-to feature could also not benefit from the additional storeys under the provisions of Class AA.

REPRESENTATIONS

3 Objections from nearby occupiers:

- Out of character.
- Unsightly.
- Overshadowing.
- Lack of parking.
- Looks like a block of flats.

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments are duly noted. Of the concerns raised, the only matter raised that can be considered under this type of application is the loss of light. The assessment of this matter is outlined in the conclusions section of this report.

DEVELOPMENT PLAN POLICIES

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in respect of a development within the curtilage of a dwellinghouse consisting of the enlargement of a dwellinghouse by construction of additional storeys.

The principle of the development is not in dispute as Class AA allows for:

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for

the purpose of that construction.

Development not permitted

AA.1. Development is not permitted by Class AA if-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the dwellinghouse is located on-
 - (i) article 2(3) land; or
 - (ii) a site of special scientific interest;
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
- (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than-
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres-
 - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
 - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of-
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (i) any additional storey is constructed other than on the principal part of the dwellinghouse;
- (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or
- (k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions

AA.2.-(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows-

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
- (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
- (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows-

- (a) before beginning the development, the developer must apply to the local planning authority for prior approval as to-
 - (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

- (ii) the external appearance of the dwellinghouse, including the design and architectural features of-
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
- (iii) air traffic and defence asset impacts of the development; and
- (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;
- (b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;
- (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
- (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
- (e) that notification must be in writing and include-
 - (i) the name of the developer;
 - (ii) the address of the dwellinghouse; and
 - (iii) the date of completion.

Procedure for applications for prior approval

AA.3.-

- (3) The Local Planning Authority may refuse an application where, in its opinion-
- (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

CONCLUSIONS

The Local Planning Authority may only assess the proposal in terms of its compliance with any conditions, limitations, or restrictions specified in paragraphs AA.1 and AA.2. The assessment is set out below.

AA.1:

- a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use) and thus, it is compliant.
- b) the dwellinghouse is not located on article 2(3) land; or a site of special scientific interest and thus, it is compliant.
- c) the dwellinghouse was granted permission in 1996 and constructed before October 2018, thus, it is compliant.
- d) the dwelling has not increased in storeys since construction, thus it is compliant.
- (e) following the development the highest part of the roof of the dwellinghouse would not exceed 18 metres, thus it is compliant.
- (f) the proposal is for two additional storeys and would result in a height increase less than 7m. Thus, it is compliant.
- (g) N/A.
- (h) The floor to ceiling height of the additional stories are 2.315m, the same as the lowest of the existing to the principal part of the dwelling. The proposal is therefore compliant in this respect.
- (i) The additional storeys pertain only to the principal part of the dwellinghouse.
- (j) The proposal does not involve any visible support structures on or attached to the exterior of the

dwellinghouse.

(k) The proposal does not include any engineering operations other than works within the curtilage of the dwellinghouse.

AA. 2 (2):

- a) The external materials are to be of a similar appearance to those of the existing dwellinghouse.
- b) No windows are to be installed within the side elevations of the additional storeys.
- c) the roof pitch of the principal part of the dwellinghouse would be the same as the existing.
- d) This is a restrictive condition of the provision of Class AA and should be complied with.

The proposal is compliant with sections 1 & 2 of Class AA.

The application seeks prior approval for the details referred to in part (3), namely:

- (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
- (ii) the external appearance of the dwellinghouse, including the design and architectural features of:
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
- (iii) air traffic and defence asset impacts of the development; and
- (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(1) issued by the Secretary of State;

In respect of part 3(i), the distance to the northeast boundary from the side elevation is 4m and there is an 18m gap to the adjacent flatted development. To the southwest boundary there is a gap of 10m and a distance to the adjacent property at Otters Quay of 11.6m minimum. These separations are sufficient to ensure there is no significantly adverse impact on the residential amenity of adjoining occupiers resulting from loss of light. There are also no new windows provided on the side elevations of the additional floors and those to the front and rear elevations would not result in any significant loss of privacy by way of overlooking.

With regard to part (3ii), the external appearance of the principal front elevation is acceptable. The elevational appearance, architectural features (with the exception of the bay and lean-to features which cannot be extended under this Class), and materials would match the existing and ensure the upper floors of the dwelling would be acceptably visually integrated with the existing property in accordance with 3(ii)(aa). Parts (bb),(iii), and (iv) are not relevant to this proposal.

Class AA. 3 subsections (b) - (e) are procedural requirements of the proposal that need to be satisfied before beginning the development and following the completion of the development. These are outlined within the informatives of this decision notice.

The proposal is compliant with the provisions, restrictions, and conditions of Schedule 2, Part 1, Class AA of the Town and Country Planning Act (General Permitted Development) Order 2015.

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 (dependent on any exemptions or relief that may apply).

RECOMMENDATION

- 1 **INFORMATIVE:**
This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun District Councils CIL Charging Schedule as adopted on 15th January 2020. Please complete Form 5 Notice of Chargeable Development. This form should be submitted when a development is granted by way of general consent and BEFORE commencement. Shortly after, if applicable, you will receive a Liability Notice.
- 2 **INFORMATIVE:**
The development must be carried out in accordance with the details approved by the Local Planning Authority. For the avoidance of doubt, they are as follows:
 - Proposed Floor Plans (Submitted: 13/05/25 & Accepted: 14/05/25).
 - Proposed South-East Elevation (Submitted: 05/05/25 & Accepted: 06/05/25).
 - Proposed South-West Elevation (Submitted: 05/05/25 & Accepted: 13/05/25).
 - Proposed North-East Elevation (Submitted: 05/05/25 & Accepted: 06/05/25).
 - Proposed North-West Elevation (Submitted: 05/05/25 & Accepted: 06/05/25).
 - Planning Statement For Lawful Development (Dated: 25/03/25).
- 3 **INFORMATIVE:**
Before beginning the development, the developer must provide the Local Planning Authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

The development must be completed within a period of 3 years starting with the date prior approval is granted;

The developer must notify the Local Planning Authority of the completion of the development as soon as reasonably practicable after completion; and that notification must be in writing and include:

- The name of the developer;
- The address of the dwellinghouse; and
- The date of completion.