

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

REF NO: AB/49/22/HH

LOCATION: 31 Tarrant Wharf
Arundel
BN18 9NY

PROPOSAL: Erection of single storey rear extension including the installation 2 x rear balconies and side rooflight and alterations to fenestration. This application may affect the character and appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to provide a small rear extension with balcony above and install a juliet balcony to the rear opening on the 2nd floor. New bay window at 1st floor to the front.

REPRESENTATIONS

Town Council - No objection.

7 letters of objection received from occupiers of nearby dwellings.

- Block views of river.
- Large and obtrusive in Conservation Area.
- Incorrect Plans.
- Negative impact to building on river side.
- Intrusion on privacy.
- Design, the scale and appearance would be totally incompatible with the neighbouring properties.
- Block Light.
- Harm to river wall.
- Out of character.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.
Within Conservation Area.
2km buffer of 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 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1, D DM4 and HER DM3 of the Arun Local Plan. Additionally, 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.

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.

Policy AR1 of the Arundel Neighbourhood Plan defines the Built Up Area Boundary of Arundel, as shown on the Policies Map, for the purpose of encouraging development within built up areas. The proposal being located within the built up area of Arundel complies with this policy.

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.

DESIGN AND VISUAL AMENITY

The works at the rear of the site between the host dwelling and river wall are not visible from the street, only the front bay is visible. As the alterations to the front are only of a minor scale the changes do not result in any significant impact upon the character of the locality.

The rear addition will protrude by 860mm at ground floor with its roof overhanging by 1.9m creating a balcony at first floor level. Generally, all openings to the rear of the building will be enlarged and the proposal intends to introduce a lot of glazing to the rear of the property. This has been cited as a reason to object to the proposal, however given the nature of glazing it is not usually seen as an intrusive material. Additionally, balconies are a common feature in the area, and they can be found to the

properties on either side of the host dwelling.

The ground floor and first additions are for a frameless glass extension and obscured glazed balcony, the 'light weight' structure will have minimal impact on the character of the host dwelling. The addition to the 2nd storey juliet balcony will further increase the levels of glazing to the rear of the building, however as no additional built form is proposed its level of harm to the character of the building is seen as insignificant. The alterations will not result in any harmful impact on the character of the host dwelling or its locality due to their minor scale and by reason that other balconies can be seen to the immediate area. The changes to the scale and orientations of openings are sited at the rear of the dwelling, and therefore there will be few views of these elements.

The balcony replaces a bay window to the rear of the host dwelling, at first floor level, the ground floor extension is to be built from frameless glass. There are widely available views from the South, however, this is the river. Whilst the balcony is larger than the existing bay window, it is not considered to be so large as to no longer appear subservient to, or well-integrated with the dwelling. Furthermore, due to the 'light weight' construction materials and minimal scale of the proposed extension, it will also appear subservient to and well-integrated with the host dwelling.

The new bay window at first floor to the front of the dwelling is acceptable in terms that due to its scale it will be subservient to its host and by reason that this dwelling is positioned amongst other dwellings, of differing styles, it will not harm the character of the area.

In terms of design and visual amenity the development accords with D DM1 and D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

To the rear it is proposed to increase all of the existing openings giving wider viewing angles however it is noted that due to no. 29's rear elevation protruding further to the south that the application dwelling, this obscures direct views back at the buildings to the east, additionally the existing building already has fenestration facing south on all three levels. Furthermore, the proposed balcony has been designed to have side facing obscure glazed panels to a minimum height of 1.8m which will block any unwanted views to the west and east. Therefore, the level of overlooking from the host dwelling will not significantly increase and no negative impacts from overlooking will occur further to the proposed development.

The front bay window and newly inserted en-suite window to the northern elevation and eastern elevation will only achieve views over the property's frontage, where existing views were already achievable. All side facing windows and obscure glazing to the balcony will be conditioned so that the protection of privacy remains in perpetuity.

The replacement of the balcony and the small rear extension are not considered to result in any significant overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the proposed developments according with design guidance in that it accords with the 45-degree rule for rear extensions

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

HERITAGE IMPACT ASSESSMENT

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

Paragraph 194 and 195 of the National Planning Policy Framework requires such information to be

provided in order to assess the impact of the proposal on these assets. A heritage statement has been submitted. The building is of modern design and is set amongst other modern buildings.

In this instance the development does not cause harm to the Conservation Area in which it is sited, or neighbouring Listed Buildings. This is due to the modest scale of the proposal and the use of materials allowing the proposal to have no significant presence in the Conservation Area. The proposal should be determined in accordance with the relevant sections of the Development Plan.

Whilst it is noted that the balcony would appear different to other balconies on neighbouring dwellings, this is not considered to result in any harm to the character of the Conservation Area as all views of the balcony are from a distance and the differences between the proposal and neighbouring balconies are not so significant as to harm these views. Additionally, the alterations to the front of the building are of minimal scale and they will not negatively impact the Conservation area by reason of its appropriate design.

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:

- Proposed Plans 1142/04
- Proposed Side Elevations 1142/05A
- Location and Block Plan 1142/03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 3 The new second floor side facing window in the east elevation of the property shall be obscure glazed and fixed shut to a minimum height of 1.7m from finished floor level and remain so in perpetuity.

Reason: To protect the residential amenity of neighbouring residents, in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 4 The balcony hereby approved shall have obscure glazing to the east and west elevations, up to a minimum height of 1.8m from finished floor level. The glazing shall remain obscured up to a minimum height of 1.8m in perpetuity.

Reason: To protect the residential amenity of neighbouring residents, in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 5 **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.