

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

**REF NO:** AB/72/20/HH

**LOCATION:** Riversong  
19C River Road  
Arundel  
BN18 9EY

**PROPOSAL:** Replace the existing balcony, rebuild boundary walls and other alterations. This application may affect the setting of the Arundel Conservation Area.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION** The application seeks to replace the existing balcony, rebuild the boundary walls and alter the fenestration of the host dwelling.

**RELEVANT SITE HISTORY**

|           |                                                                                                                                                                 |                                  |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AB/87/13/ | Balcony extension on rear elevation (resubmission following AB/43/13/). This application affects the character and appearance of the Arundel Conservation Area. | ApproveConditionally<br>10-10-13 |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

**REPRESENTATIONS**

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - No objection.

- The balcony will have a neutral impact upon the heritage assets.
- The Conservation Officer notes that the proposal would have a reduced impact were the neighbouring balconies were to be of a similar style.

Conservation Area Advisory Committee - Objection.

- The proposed balcony should match the neighbouring dwellings.
- The proposal will have an adverse impact upon the Conservation Area as viewed from the river.
- The setting of the neighbouring Listed Building will be compromised by the differing colour of the fenestration.

- There should be a comprehensive approach to the replacement of the balconies.

#### OFFICERS COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Planning Department does not have any control as to force the scheme to be commenced the same time as the neighbouring dwellings.

### POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Within Conservation Area

#### 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  |
| NPPG  | National Planning Practice Guidance |

### CONCLUSIONS

#### PRINCIPLE

In this case, the key policies are deemed to be 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.

#### DESIGN AND VISUAL AMENITY

The boundary walls are slightly altered in order to enclose the area at the rear of the site between the host dwelling and river wall. Views of this area will not be widely available and it cannot be considered that these changes result in any significant impact upon the character of the locality.

The alterations to the fenestration are not considered to result in any harmful impact on the character of the host dwelling or its locality due to their minor scale. 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 replacement of the windows and doors with those of a different appearance is not considered to result in a harmful impact upon the area, in that there are many examples of grey windows within the area.

The balcony replaces a balcony to the rear of the host dwelling, at first floor level. There are few viewpoints of the proposal from public roads in the Conservation Area. There are widely available views from the South, however, this is a river. Whilst the balcony is slightly larger than the existing, it is not considered to be so large as to no longer appear subservient to, or well integrated with the dwelling.

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.

The development is considered to be in accordance with D DM1, HER DM3, D DM4(a) and (b) 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 189 of the National Planning Policy Framework requires such information to be provided in order to assess the impact of the proposal on these assets. 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.

#### NEIGHBOURING RESIDENTIAL AMENITY

The replacement of the balcony, or the rebuilding of the boundary walls 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 not being any significantly larger than that existing on the host dwelling. Furthermore, with regard to potential for loss of privacy, the proposed balcony includes the provision for obscure panelling on the side elevations of the balcony which are considered to screen any direct overlooking of neighbouring properties to a greater extent than previously.

The 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.

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| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

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.

|                                           |
|-------------------------------------------|
| <b>DUTY UNDER THE EQUALITIES ACT 2010</b> |
|-------------------------------------------|

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.

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| <b>RECOMMENDATION</b> |
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**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 Arrangement - 20072 - 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.

- 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.