

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

REF NO: AB/87/13/

LOCATION: 19A River Road
Arundel

PROPOSAL: Balcony extension on rear elevation (resubmission following AB/43/13/). This application affects the character and appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The extension to the existing rear balcony at first floor level will measure approximately 0.9m in depth with remaining dimensions including the railing height staying the same. Iron railings to the balcony will match existing.
SITE AREA	Approximately 158 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front. The rear boundary treatment is a breezeblock wall painted white at approximately one metre in height.
SITE CHARACTERISTICS	A three storey end of terrace property with brown brick elevations and a pitched roof with slate tiles. There is an integral garage and a brick built porch to front. There are contrasting brick surrounds on windows and the tops of the garage and porch. The river Arun lies directly behind the property where the extension will look out on.
CHARACTER OF LOCALITY	Predominantly residential in character, there are two storey terraced and semi-detached properties of generally historic character.

RELEVANT SITE HISTORY

AB/43/13/	Glazed kitchen extension and balcony extension	Withdrawn 11-06-2013
-----------	--	-------------------------

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

One letter of objection.

Privacy. Existing balconies only provide views up and down the river and do not allow a line of sight into next door rooms, unlike the proposal.

Appearance. The balcony extension will change the appearance of the terrace row. They were constructed to give unity of design and appearance. The size of the extended balcony will break this unity.

There will also be extra weight which could affect the stability of the earth fill-in below the terrace and river wall.

Comments on Representations received:

Comments noted.

In response to the letter of objection, the privacy and appearance issues raised are addressed in the Conclusions section of this report. The stability of the earth fill-in as a result of this proposal is not a material planning consideration.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee

No objection.

Materials should match existing.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[DEV19](#)
[AREA2](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

ADS

The Arundel Design Statement by Arundel Town Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities. This includes protecting or enhancing Arundel Conservation area.

DESIGN AND VISUAL AMENITY

This application seeks to extend an existing rear balcony at first floor level to an increased depth of 0.9m. This end of terrace property exhibits strong design uniformity with the two other neighbouring properties in the row (19B and 19C to the west) at both the front and rear. Therefore, it is considered important that any changes to the appearance of the property does not deviate to the detriment of the character and appearance of these neighbouring properties and the surrounding Conservation Area. Upon consideration, the balcony extension does respect the style and materials of other balconies in this terrace row and therefore is considered to meet this requirement. Also, the proposed railings will be ironwork to match existing and as such are considered to be acceptable in design. This will be a design improvement on previous submission

AB/43/13 and means that it will have greater unity with neighbouring properties as a result.

Rear balconies are a feature of this terrace row and other properties backing on to the river and so this scheme is consistent with the residential characteristics observed in the area. Therefore, it is considered to comply with Local Plan policies GEN7(ii), DEV19(v) and AREA2.

RESIDENTIAL AMENITY

Since all dimensions of the balcony extension will match existing apart from its depth, this is the only aspect to consider in terms of residential amenity. The increase in its depth is not considered to be significant and will bring the balcony closer to the rear boundary and the river. However, any overlooking caused by this increase on to the neighbouring property of 19B will not be direct given the reasonable separation distance between the balconies and the resulting low angle generated by the extension. It is therefore considered to not cause any unacceptable overlooking or loss of privacy on this or any other property and so is considered to comply with Local Plan policy DEV19(iii).

It is therefore recommended that the application is approved, 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 family and private 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, a neutral impact has 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.

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: drawing numbers 12468/03 (location and block plan) dated April 2013, 13473/01 (existing) dated March 2013, 13473/02 rev A (proposed) dated May 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the iron railings hereby permitted shall match in colour and texture to those existing.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.