

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

REF NO: AW/130/22/HH

LOCATION: 37 Grosvenor Gardens  
Aldwick  
PO21 3EZ

PROPOSAL: Proposed rear balcony. Removal of pitched roof and replace with new flat roof.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | This application seeks to construct a rear balcony, and remove and replace an existing pitched roof with a new flat roof. |
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| <b>RELEVANT SITE HISTORY</b> |
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|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AW/84/02/ | Demolition of existing rear & side extensions. Erection of new utility room and conservatory at rear. New roof dormer & entrance lobby to sides, internal alterations providing access and bedrooms to existing attic. | ApproveConditionally<br>07-08-02 |
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| <b>REPRESENTATIONS</b> |
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Aldwick Parish Council - No Objection

No representation received from nearby occupiers.

**CONSULTATION RESPONSES RECEIVED:**

None.

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| <b>POLICY CONTEXT</b> |
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Built Up Area Boundary  
Pagham Harbour Zone B  
2km Buffer for Site of Special Scientific Interest  
CIL Charging Zone 4

**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                                            |

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**SUPPLEMENTARY POLICY GUIDANCE:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD10 | Aldwick Parish Design Statement               |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

**CONCLUSIONS****PRINCIPLE**

The key policies are D DM1 and D DM4 of the Arun Local Plan, and guidance set out by the Arun Design Guide.

Aldwick does not have a 'made' Neighbourhood Development Plan, but does instead have a Parish Design Statement, which is of relevance. The property is in Area 7 (Rose Green).

**DESIGN AND VISUAL AMENITY**

The proposal is to the rear of the property and will not be visible from the wider area.

At present, there is a pitched gable roof conservatory to the rear of the property. The roof is to be removed, and will be replaced with a flat roof, which will include a balcony at first floor level. This balcony will differ slightly from the established character of the property but is not unacceptable. An application including the installation of a balcony has been approved for No.35 to the east, and the proposed balcony will not be unique to the area. The proposal will retain the existing footprint, measuring 5.6m wide and 3.9m deep. The flat roof will differ to the gable roof of the host, but will not appear unduly out of place, given its location to the rear. The proposal will have minimal harm on the visual appearance of the property and will remain in keeping with its character. Being to the rear, it will not be visible from the street scene and will have little harm on the composition and appearance of the street. Although there are limited examples of existing balconies in the vicinity, the proposal is in keeping with the general character of the area and will have minimal impact on visual amenity.

The extension appears subservient to the design of the host and is well integrated. It will use materials matching the existing where possible, ensuring there is minimal intrusion on the visual appearance of the property. The proposal is appropriate in terms of scale and massing and does not unduly obtrude or dominate the main building. The proposal preserves the character of the property and the locality, complying with criteria set by the Parish Design Statement.

Arun Design Guide states that for developments involving changes to roofs that these are located discreetly and unobtrusively on rear elevations in Conservation Areas and wherever possible elsewhere. In general, developments should respond to existing building design in terms of roof pitch and use complementary and integrated materials and elevational design. The proposal is in accord with this.

The proposal will not be unduly harmful to visual amenity, nor the character of the area, and is in accord with D DM1 and D DM4 of the Arun Local Plan, Aldwick Design Statement, and Arun Design Guide.

**RESIDENTIAL AMENITY**

The proposal will be at first floor level and have a flat roof measuring approximately 2.6m high. The balcony above will have a glass balustrade, measuring approximately 1.12m above this, around 3.7m from the ground floor level. The proposal will retain 3.5m from the eastern boundary, 16m from the south

(rear), and 1.8m from the west. This is accords with D DM4 of the Arun Local Plan. As the proposal is lower than the conservatory, there will be a decrease in the overbearing and overshadowing impact on neighbouring properties to both sides.

Despite less overbearing and overshadowing, there will still be some impact on these neighbouring properties (35 and 39) to the east and west, due to the nature of the balcony and its location. The balcony will allow for an unobscured view into the rear garden of both properties, which will result in overlooking, and in turn some harm to residential amenity. The impact will be less for No.35, given the staggered positionings of the properties, with the balcony overlooking the garden and not the property itself. No.39 is at more risk, as the rear elevation of the property is much closer to the proposed balcony. As a result, the balcony will allow for views over their rear extension and poses potential of visibility into the property itself. This potential for overlooking to both properties does not warrant refusal of the application but will be managed with a condition. This condition will require the need for an obscured glazed privacy screen, measuring at minimum 1.7m high. This will ensure any harm to residential amenity is limited, and to an acceptable level.

In addition to the balcony, the proposal will include the installation of a set of patio doors to the first floor south (rear) elevation, doors to the ground floor south (rear) elevation, and a door to the east elevation. None of these features pose adverse risk of harm to residential privacy or amenity, as they will not overlook any neighbouring properties. As such they are acceptable.

Arun Design Guide states extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows. Specifically for balconies, the guide states that the use of flat roofs as balconies and terraces will not generally be permitted unless it can be demonstrated that the privacy of neighbours is not compromised. The addition of the screening will minimise the impact on neighbouring privacy, and as such will not compromise their amenity. The proposal is in accord with these criteria.

The development will not result in adverse overbearing, overlooking, or overshadowing, and accords with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

## SUMMARY

The development accords with development plan policies and is recommended for approval subject to the following conditions and informatives.

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| <b>HUMAN RIGHTS ACT</b> |
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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 not CIL Liable.

**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:
  - Location Plan
  - Block Plan
  - Proposed Ground Floor and First Floor Plan
  - Proposed Elevations and Sections  
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 Prior to the balcony hereby permitted first being used, a privacy screen (obscure glazed and to minimum height of 1.7m - max 2.0m) on the east and west sides of the rear balcony should be installed. The screen shall be permanently retained in perpetuity.  
  
Reason: To safeguard the amenities of the occupiers of neighbouring property in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.
- 4 **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.