

PLANNING APPLICATION REPORT**REF NO:** AW/143/08/**LOCATION:** 15 Waters Edge
Aldwick**PROPOSAL:** Proposed extension to music room and lift shaft to first floor - resubmission following refused application AW/83/08/**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

Two-storey side extension to serve as vertical lift shaft to measure approximately (at maximum); 6m in height, 3m in length, and 2.2m in depth

Single storey flat roof rear extension to measure approximately (at maximum); 3m in height, 4.4m in length, and 2.1m in width

Juliet balcony to existing first floor bedroom window of present property.

SITE AREA

Approximately 595 square metres

RESIDENTIAL DEVELOPMENT DENSITY(NET)

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Domestic fence, reinforced by shrubs approximately 1.8 - 2m in height

SITE CHARACTERISTICS

Detached two-storey property with shallow tiled roof. Existing rear balcony with extensive first floor glazing to the rear

CHARACTER OF LOCALITY

Residential. Two storey properties that surround are a mixture of individual style and design

RELEVANT SITE HISTORY

AW/7/04/	Proposed 2 storey extension for utility room & breakfast room with en-suite bedroom over	Approve Cond 20-02-2004
AW/83/08/	Proposed extension to music room and lift shaft to first floor	Refused 30-05-2008

REPRESENTATIONS**Representations received:**

Aldwick Parish Council

Objection:

Unneighbourly. Unacceptable overlooking and loss of privacy

Likely noise intrusion onto neighbouring property to west

Out of character

Comments on Representations received:

Noted. For the reasons as set out in the conclusions section of this report, the proposal is not considered to adversely impact upon residential and visual amenities in the locality, nor its character.

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1	Locational Strategy
	DEV1	High Quality Development
	ERA4	Flooding and coastal defence
Arun District Local Plan:	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development
	GEN11	Inland Flooding

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS25	Development and Flood Risk

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 within the locality, and its character, or flood risk.

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 and residential amenities of the locality nor on its character, or on flood risk.

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

This application is a result of negotiation between planners and the agent following a previous refusal on the site, planning application AW/83/08. That was refused, solely, because the protruding balcony to the ground floor extension was considered to result in an un-neighbourly form of development resulting in unacceptable overlooking and loss of privacy, and likely noise intrusion on neighbouring property to the west. In the current proposal, the protruding balcony element has been omitted and replaced with a Juliet balcony, so the previous reason for refusal has been resolved.

Regarding visual amenities, the extensions are visually integrated with the existing building in terms of design and style, scale, and choice of materials and finishes. The form of the two storey extension follows its function; it has to be of such a height and width to adequately serve as a vertical lift shaft. From viewing the proposal from the west, the two-storey extension appears slightly off-centre which is unfortunate, but not considered so demonstrably adverse in visual terms as to warrant refusal. It is off centre because the internal layout of the property, where the removal of dividing walls has been avoided. Effort has been made in the design of that extension to ensure the eaves match the existing property and the shallow roof is unobtrusive and subservient.

Considering residential amenities, sufficient distance is retained between the extensions and neighbouring properties so as to avoid adverse overbearing and overshadowing effect. No first floor windows exist in the east elevation two-storey extension, and planning condition can ensure the flat roof area of the ground floor extension is not used as a balcony/amenity area. The Juliet balcony does not allow for standing space. As such, overlooking onto neighbours either side would be oblique, rather than direct, so the proposal is not considered to result in adverse overlooking and loss of privacy onto the occupiers of the occupiers of those properties.

It is therefore recommended that the planning application be approved, subject to the following conditions.

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 materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor and above in the two-storey extension hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

- 4 The flat roof area of the single storey extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 Floor levels within the proposed development will be set no lower than existing levels of the dwelling.

Reason: To mitigate the risk of flooding in accordance with policies ERA4 of the West Sussex Structure Plan and GEN11 of the Arun District Local Plan.

6 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character, or flood risk, and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, DEV1, ERA4

LOCAL PLAN: GEN7, DEV19, GEN11

NATIONAL POLICIES: PPS1, PPS25

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 7 **INFORMATIVE:** Flood proofing of the proposed development shall be incorporated, where necessary, in accordance with flood resilience and resistance techniques to be included in accordance with 'Preparing for floods' (ODPM 2003)

