

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

REF NO: AW/14/18/HH

LOCATION: 15 Marlborough Court
Aldwick
PO21 5QH

PROPOSAL: Retention of replacement swimming pool enclosure with flat roof to replace existing pitched roof

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed swimming pool enclosure measures approximately 7.8m wide, 15.m long with additional 2.9m plant room and 2.6m high (max). Materials are stained cladding to the walls, uPVC double glazing and felt roof. The building has already been erected albeit with a higher pitch roof, the current proposal aims to reduce the roof height and therefore the application is retrospective in part.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the property has timber fencing approximately 1.8m high
SITE CHARACTERISTICS	The application site comprises a detached single storey property set on a large corner plot. The rear garden is mainly laid to lawn with some domestic outbuildings including the swimming pool enclosure.
CHARACTER OF LOCALITY	Residential comprising similar style and scale properties albeit not on such large plots. To the rear of the property is a busy road, Chalcraft Lane.

RELEVANT SITE HISTORY

AW/249/07/	New double garage.
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ApproveConditionally
12-11-07

There is no relevant planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Aldwick Parish Council has no objection.

No response to public consultation

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10 Aldwick Parish Design Statement

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. A consultation into the proposed modifications ended in mid February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**PLANNING**

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 the Arun District Local Plan which in this case are policies GEN7 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

The application has been submitted to reduce the height of the existing structure which has been erected. The swimming pool enclosure is located to the rear of the property in the north west corner of the site adjacent to the rear boundary with Chalcraft Lane. The proposed swimming pool enclosure would be sited approximately 2.6m from the side boundary with No.17. The smaller plant room shown on the plans is adjacent to the side boundary.

It is noted that the swimming pool enclosure is a large structure however the property has a large garden and therefore in relation to the plot size the building does not appear cramped on the site. As compared to the existing structure the building will be approximately 0.6m lower. The building will not be seen from Marlborough Court, although there will be some views, albeit broadly screened by the boundary treatment, from Chalcraft Lane.

On balance, it is considered that the swimming pool enclosure is therefore considered acceptable in design and visual amenity terms and complies with policy GEN7(ii) of the Arun District Local Plan.

Given its position the development will have no unacceptable adverse effect on No.11 to the south east. No.17 is closest to the proposed scheme approximately 13m away. Given the height of the structure 2.6m, separation distance, orientation and boundary treatment it is considered that on balance the proposed development will not be unacceptably harmful to the residential amenity of or be unduly dominant upon the occupiers of No.17. The building is therefore considered to be acceptable in residential amenity terms and so is considered to comply with policy GEN7(iv) of the Arun District Local Plan.

Therefore, the proposed development is considered to comply with adopted Arun Local Plan policies and the Aldwick Parish Design Statement.

HUMAN RIGHTS ACT

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

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 location plan, site plan, existing ground floor plan, existing cross section, existing elevations, proposed ground floor plan, proposed elevations & proposed cross section.

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