

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

REF NO: AW/274/14/HH

LOCATION: 7 Aldwick Avenue
Aldwick

PROPOSAL: Rear balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed balcony measures approximately 6.3m in width, depth of 1.3m with a maximum height of 4m, with obscure screening to west elevation 4.7m.

SITE AREA

Approximately 780 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Front has wrought iron screen approximately 1m in height, rear has dwarf brick wall then foreshore, east side boundary has close boarded fencing 1.5m then hedging, west side boundary has close boarded fencing then hedging approximately 1.8m in height.

SITE CHARACTERISTICS

Detached two storey dwelling constructed in the 1970's with integral garage. The property has red brickwork with white cladding, tiled roof with white window frames.

CHARACTER OF LOCALITY

Residential road comprising predominantly detached properties of various styles and designs. Foreshore to rear of site.

RELEVANT SITE HISTORY

BR/391/71	Erection of one dwelling	ApproveConditionally 31-12-1971
BR/563/81	Front Porch	ApproveConditionally 01-07-1981

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members have no objection to the application.

1 Letter of Rep

No notification has been received from Arun District Council regarding the planning application for the balcony and the neighbour was not aware of the application until a note from Aldwick Parish Council was received. The neighbour in question has no objection to the application.

Comments on Representations received:

Rep comments noted

The Council do not operate a policy of neighbour notification. A site notice was displayed at the front of the site at the time of the officer's visit and the application was advertised in the West Sussex Gazette which is in accordance with the Council's legal obligations regarding publicity.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Public Sewer On Site

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	
	D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)	
	D SP1 Design	
	SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 detached two storey property backs onto the foreshore. There is an existing balcony at first floor level on the rear of the property on the eastern side and this is to be replaced by a larger balcony.

The existing balcony has a width of 2.8m with a rear projection of 1m and a height of 1.3m. The proposed balcony will be 6.3m in length with a rear projection of 1.3m and a maximum height of 4m, 4.7m with side panel on west elevation. The balustrade will be glass with stainless steel and supported by stainless steel posts.

The property to the east No 5 is divided into flats and the proposed balcony is set behind the existing roof slope. The property to the west No 9 has a balcony at first floor level that extends the whole width of the dwelling. It is not considered that the extended balcony would create any additional overlooking than currently exists to neighbouring properties to the east and west. However, the screening on the western side will be obscure glazed and to a height of 1.8m to prevent direct overlooking onto the neighbouring property No 9.

The balcony is considered to be visually subservient to the host dwelling and would not be out of character with the surrounding area or affect the residential amenities of neighbouring properties.

It is therefore recommended to approve the application, subject to 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 respect for 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 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:

Location 1:1250, Block 1:500, Ground & First Floor 1:50, South & West Elevations 1:100, Section 1:50 Sheet 1a of 2 received on 18th November 2014.

Existing Ground & First Floor 1:50, South & West Elevations 1:100 Sheet 2 of 2 received on 3rd October 2014.

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 The obscure screening to a height of 1.8m shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity in accordance with policies DEV19 and GEN7 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.