

Recommendation Report for Planning Permission

REF NO: AW/296/19/PL

LOCATION: 19 Kingsway
Aldwick
PO21 4DQ

PROPOSAL: Variation of condition 2 imposed under AW/139/19/HH relating to approved plans for balcony to first floor over approved flat roof. This application may affect the character & appearance of the Craigweil House Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary condition 2 which refers to the approved plans in such that it creates a balcony to the rear above an existing single storey flat roof.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to a height of approximately 1.7m runs along the rear and side boundaries.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling.
CHARACTER OF LOCALITY	The area is predominately residential. It is located within a private road within a Craigweil Conservation Area.

RELEVANT SITE HISTORY

AW/250/19/HH	Extension to driveway to front & widening driveway gate. This application affects the character & appearance of the Craigweil House Conservation Area.	
AW/139/19/HH	Single storey rear extension and single storey front extensions (Amendment to previously approved application AW/307/18/HH). This application affects the character and appearance of Craigweil House Conservation Area	ApproveConditionally 29-07-19
AW/307/18/HH	Single & two storey extensions. This application affects the character & appearance of the Craigweil House Conservation Area.	ApproveConditionally 04-01-19

AW/45/18/HH

Rear single storey & two storey extensions, front single storey extension & canopy roof plus alterations to external wall & roof finishes. This application affects the character and appearance of the Craigweil House, Aldwick Conservation area

ApproveConditionally
21-05-18

Planning permission was granted in January 2019 under reference AW/139/19/HH . This was slightly amended with an garage extension included in July 2019.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

No objection

1 letter of representation received from a nearby occupier

- A balcony in an elevated position is a considerable invasion of our privacy.
- If it had been on the original application, we would have objected.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusion.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The location of the balcony and screen is such that it will not be largely visible from the road to the front. On balance, it is considered that the concept of the proposal is acceptable and does not cause harm to the heritage asset.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Conservation Area

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
SDSP2	SD SP2 Built-up Area Boundary

HERDM3 HER DM3 Conservation Areas
HERSP1 HER SP1 The Historic Environment

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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Aldwick does not have a Neighbourhood Plan.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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

PRINCIPLE

The key policies considered are DDM1, DDM4 and HERDM3 of the Arun Local Plan. Aldwick Parish Design Statement is of relevance with the property located within Area 2.

The application seeks to amend the design of that previously approved under AW/139/19/HH with the

addition of a balcony to the rear.

DESIGN AND VISUAL AMENITY

The application seeks to construct a balcony to the rear first floor and with the alteration to the rear of the property, it would not result in a visual change of the property upon the street scene.

The balcony utilises the flat roof of the single storey extension and appears well integrated with the host dwelling.

It is considered the addition would not adversely impact the spatial pattern or character of the area as there are no viewpoints from the street scene and as such accord with DDM1 and DDM4 of the Arun Local Plan.

CONSERVATION AEA

The location of the balcony and screen is such that it will not be largely visible from the road to the front. On balance, it is considered the concept of the proposal is acceptable. Paragraph 190 of the NPPF requires the LPA to consider the significance of the impact upon the asset. It is not considered to cause harm to the significance of the heritage asset as a result of the siting to the rear and modest change.

RESIDENTIAL AMENITY

The balcony would extend approximately 6.85m along the rear of the dwelling and meet with the rear gable addition situated to the eastern side. The balcony will have a depth of 1.5m with balustrading of 1m to the front.

To the eastern side, the gable addition extends in line with the side of the balcony and therefore provides sufficient screening to reduce views towards the neighbouring property at No.21.

To the western elevation, there will be screening installed to a height of 1.8m which again will restrict views to the neighbouring property at No.19. The property is set further back than the host dwelling and with the property at single storey along the boundary and with only 1 window to the side elevation, the balcony is not considered to give rise to adverse overlooking.

The addition of a balcony to the rear is not considered to significantly harm neighbouring amenity by way of overshadowing, overbearing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan

SUMMARY

It is therefore recommended that planning permission be granted in accordance with the following conditions and informatives. It should be noted that these conditions reflect those attached to AW/139/19/HH and have been updated to reflect the development plan and the current proposed plans.

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 and Block Plan - P01
 - Block Plan - P02 B
 - Proposed Elevations - P120 A
 - Proposed Floor Plan - P100 B
 - Roof Plan - P100 A
 - Email dated 7.01.2020 confirming solid screening.
 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 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 4 The solid balcony screening shall be constructed as shown on the approved plan P120A to the western elevation to a height of 1.8m and installed prior to first use and retained in perpetuity.

Reasons: In the interests of the amenity of the neighbouring dwelling in accordance with policies DDM1 of the Arun Local Plan.
- 5 **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.