

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

REF NO: AW/48/21/HH

LOCATION: 17 Kingsway
Aldwick
PO21 4DQ

PROPOSAL: Roof alterations to provide extension to existing first floor and swimming pool in rear garden. This application affects the character and appearance of the Craigweil House, Aldwick Conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

REPRESENTATIONS

Aldwick Parish Council:
No objection

Two letters of objection regarding the extra noise from the extra pool facilities required.

RESPONSE TO THE REPRESENTATIONS

The proposal is not for the generator etc for the cleaning of the pool therefore they are not to be considered in the application. Furthermore, any unacceptable noise would be controlled by Environmental Health legislation.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Within the 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
HERDM3	HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10 Aldwick Parish Design Statement

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan. Aldwick does not have a Neighbourhood Plan but does have a Parish Design Statement with the property located within Area 2.

PERMITTED DEVELOPMENT

The proposed pool could be constructed under the permitted development rights of the property. This is because that proposed would fall under Schedule 2 Part 1 Class E due to the proposed pool being to the rear of the dwellinghouse whilst being within the Conservation Area.

bungalow

DESIGN AND VISUAL AMENITY

The proposal seeks to construct a swimming pool to the rear of the property the proposal is not visible from the street scene. The proposal also includes the alterations to the existing first floor.

The pool is to be 8m in length and 4.3m width and is located within a large plot situated relatively close to the host dwelling. This is considered to allow the pool to appear well integrated within the surrounding environment.

The dwelling is a detached chalet style (2 storey of accommodation) bungalow with an attached garage to the eastern side. The roof above the garage sits lower than the ridge. However the proposal will create an infill at the first floor creating an attachment to the main dwelling. This element will not be readily visible from the wider area. There is around 16m retained to the front boundary of the property, followed with sufficient planting separating the dwelling and road at Kingsway and as such views are largely restricted.

The extension is considered subservient to the host dwelling and whilst part of the property will increase in mass, it is considered to appear well integrated and appropriate in scale to the existing dwelling. As such the alterations are not considered to adversely impact the appearance of the dwelling within the street scene.

With no expansive views from the wider street scene, the proposal is not deemed to adversely impact the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The pool retains a sufficient separation distance of 12m to the rear of the dwellinghouse and 3.2m to the side boundary. The pool will sit at ground floor level and therefore any views from nearby occupiers will be limited if any at all. The proposal is not considered to harm neighbouring amenity by way of overshadowing, overbearing or overlooking and accord with DDM1 and DDM4 of the Arun Local Plan.

Due to the design and siting of the first floor extension, it will not give rise to undue overshadowing or overbearing effects to surrounding properties as the existing height of the property on the boundary is not increased and the proposed extension slopes away from the neighbour to the east.

The development to the rear is not considered to result in any harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the scale and siting of the proposed

development, additionally, the aspect of the application site allowing any overshadowing to fall within the application site itself.

Furthermore, with regard to potential for overlooking the openings, with the imposition of a condition where necessary, are not considered to result in any harmful views of which would result in harm to the privacy to these neighbouring occupiers.

The proposal is not considered to give rise to significant harm in which a refusal is justified by way of overbearing, overshadowing or overlooking and as such it complies with D DM1 and D DM4 of the Arun Local Plan.

IMPACT ON CONSERVATION AREA

The proposal is situated within the Craigweil Conservation Area. Given the siting of the pool, it is not visible from the wider area and as such is not considered to give rise to any adverse impacts upon the area. The application form states no trees or hedges will be removed or pruned in order to carry out the proposal. As the property falls within a Conservation Area relevant consents will need to be obtained if there were to be any trees removed. An informative will be included regarding this. The proposal is considered to preserve the appearance of the Conservation Area and accord with HERDM3 of the Arun Local Plan.

Para 189 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a proposed development. The heritage asset is of some significance. Para 190 requires the LPA to consider the significance of the impact upon that heritage asset. The proposal has limited impact on the significance of the heritage asset as a result of the modest alteration proposed and the use of matching materials. Para 193 states. "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation"

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As a result of the scale of the works, the proposal is not considered to materially affect the character or from detract from the visual appearance of the Conservation Area and is not considered to harm the significance of the heritage asset.

SUMMARY

The proposed development is deemed to comply with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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.

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:
 - Proposed Ground Floor Plans and Elevations Sheet 1 of 4
 - Location Plan, Block Plan and Proposed First Floor Plan Sheet 2 of 4
 - Existing Ground Floor and Elevations Sheet 3 of 4
 - Existing First Floor Plan and Elevations and Proposed Roof Plan Sheet 4a of 4
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 window at or above first floor level in the East elevation of the building (shown on plan labelled Proposed Ground Floor Plans and Elevations Sheet 1 of 4) shall at all times be and remain obscurely glazed and fixed shut up to 1.7m from the finished floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 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.

- 5 **INFORMATIVE:** Any plant associated with the swimming pool is not covered by this application and may require the submission of a separate planning application.