

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

REF NO: AW/79/26/HH

LOCATION: 3 Bay Walk
Aldwick
PO21 4ET

PROPOSAL: Rear single storey extension with balcony above. Minor fenestration changes, new patio area and 'below ground' swimming pool. This application may affect the character and appearance of the Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Aldwick Parish Council - No objection.

No representations received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun District Council Coastal Engineers - No response received.

POLICY CONTEXT

Conservation Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
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:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site includes a two storey detached dwelling, backing on to the coastline. The proposal is for a single storey rear extension with balcony above, amendments to fenestrations and a swimming pool.

The single storey rear extension would have a depth of 3.1m, compliant with Arun Design Guide (ADG) guidance of a maximum depth of 3.3m for detached dwellings, and would not extend beyond the established rear building. The extension would have a width of 9.2m, extending west in line with the existing dining room. There is no established rear building line along Bay Walk, therefore the loss of the stepped rear elevation is not considered to result in undue harm. The extension would be constructed from face brick, appropriate for the residential setting and sympathetic to the host dwelling.

The extension would have a flat roof, similar to nearby rear extensions, at a height of 3.2m (4.6m when taken from the parapet wall on the western flank), above which would be a balcony. The balcony would be equal in area to the rear extension, have brick plinths with wrought iron bars and obscurely glazed balcony guarding above the parapet wall, up to a height of 1.7m. Projecting no further than the existing rear building line and using incorporating appropriate materials, the balcony would be a subservient, logical addition to the host dwelling, considering the amount and variety of balconies in the locality.

The only other amendment to the exterior of the dwelling is the installation of a Juliet balcony on the rear elevation, which currently serves the annexe first floor bedroom. Juliet balconies are not common in the locality, with most dwelling utilising standard balconies to fully access the coastal setting. However, the Juliet balcony would not be out of character and would incorporate the same wrought iron bars as the balcony, creating a pleasing sense of continuity.

The landscaping remains mostly unchanged, with mature planting retained around the site boundaries. The existing patio will be replaced by a new, larger York stone patio, leading down to a swimming pool, in place of a smaller existing pond. Surrounding dwellings have built both large swimming pools and patios into their landscaping; the proposal would not be out of character with the locality in this regard. The swimming pool (7m x 3.8m) is considered to be of an appropriate size, maintaining more than enough rear garden to be enjoyed as intended. The patio, while perhaps a more modern addition and greater in size, would not result in harm to the character of the host dwelling, which would retain its traditional appearance. There would only be minor changes to site levels which would not materially alter the appearance of the dwelling or garden.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in regard to neighbouring residential amenity.

NEIGHBOURING RESIDENTIAL AMENITY

Given that the side extension would not project beyond the rear building line of the host dwelling, the absence of any fenestration on the eastern flank of the westerly neighbour (4 Bay Walk) and the south facing gardens that the host dwelling and their neighbours benefit from, there would be no harm to residential amenity by way of overbearing or overshadowing as a result of the extension and balcony.

The extension would offer views of the rear garden only from the pair of double doors and window, resulting in no harm by way of overlooking. The balcony, spanning from the centre of the dwelling towards the western flank, would include screening, in the form of a 1.1m parapet wall, with an obscurely glazed panel up to 1.7m. Considering this, only oblique views would be available into the rear garden of 4 Bay Walk and, indeed, into the rear of the eastern neighbour's (2 Bay Walk) gardens. The length of the rear gardens along the southern side of Bay Walk makes some level of overlooking inevitable. Given the

abundance of balconies and extent of views available into the rear gardens from first floor level, and the attempts to mitigate against overlooking with the parapet and obscure glazing, the balcony would not result in undue harm by way of overlooking.

The Juliet balcony would replace an existing window and would not result in harm by way of overlooking, considering views already achievable from the first floor.

Considering the proposed use and central siting of the swimming pool and patio there would no impact in regard to neighbouring amenity.

HERITAGE

The site lies within the Aldwick Bay Conservation Area, characterised by its low-density layout, high quality of materials and style and intensively landscaped gardens. Given that the extension and balcony would not extend beyond the rear or side elevations, the proposal would not result in a more dense, cluttered layout. Certainly, the works proposed to the rear garden would result in more organised, intensive landscaping, appropriate given the characteristics of the conservation area. Further to this, the more coastal, informal landscape seen towards the rear of the garden and boundary treatments would retain the traditional character of the dwelling. The proposal would not harm the heritage asset.

The proposal would preserve and enhance the character and appearance of the conservation area, in accordance with Arun Local Plan policy HER DM3.

SUMMARY

The proposal is in accordance with relevant development plan policies and is therefore 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

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:

Location Plan
Block Plan
Proposed Roof Plan
Proposed First Floor Plan
Proposed Front and Side Elevations A
Proposed Rear and Side Elevations B
Heritage Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1, D DM4 and HER DM3.

- 3 The first floor balcony shall not be brought into use until such time as the proposed parapet wall and obscured screen along the full extent of its western edge, as illustrated on the approved plans, has been provided to a minimum height of 1.7m above the floor level of the balcony. The parapet wall and screening, as installed, shall thereafter be retained in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and D DM4.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.