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

**REF NO:** **BR/157/13/**

**LOCATION:** 6 The Gables
Norfolk Square
Bognor Regis

**PROPOSAL:** Proposed French doors with glass juliet balcony with glass balustrade

## SITE AND SURROUNDINGS

| | |
|---|---|
| DESCRIPTION OF APPLICATION | As above |
| SITE AREA | Approximately 110 square metres. |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A |
| TOPOGRAPHY | Predominantly flat |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | West side boundary has brick wall + fencing, south side fencing 1.5m plus hedging, rear has wall approximately 1.5m in height. |
| SITE CHARACTERISTICS | Detached three storey block of apartments. The building has flat roof, dark brown brickwork on lower level, smooth render painted white on upper level with white window frames. |
| CHARACTER OF LOCALITY | Corner location on a residential road comprising a mixture of apartments, detached and semi-detached two storey properties of various styles and designs. |

## RELEVANT SITE HISTORY

None

## REPRESENTATIONS

**Representations received:**

Bognor Regis Town Council

No objection

**Comments on Representations received:**

None

## CONSULTATIONS

**Consultations responses received:**

None

**Comments on Consultation responses:**
None

**POLICY CONTEXT**

Designation applicable to site:

Built Up Area Boundary

**DEVELOPMENT PLAN POLICIES**

| | | |
|---|---|---|
| Arun District Local Plan 2003: | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |

**PLANNING POLICY GUIDANCE**

| | |
|---|---|
| NPPF | National Planning Policy Framework |

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

**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 application seeks to construct a glass juliet balcony with glass balustrade.

The three storey building is apartments and there are existing balconies at first and second floor level on the rear south east elevation. Flat 6 is located at second floor level and the application seeks to replace the bedroom window on the 2nd floor rear south east elevation with french doors. The french doors will open inwards so there is no additional floor area created. The balustrade will be an aluminium frame with a clear glass infill which matches the design of the balconies on the rear elevation.

It is not considered that the introduction of a juliet balcony would harm the character and appearance of the building. In view of its position on the south east elevation and the doors opening inwards it will not affect the residential amenities of neighbouring properties or create any harmful overlooking than currently exists.

The application is therefore recommended for approval, subject to conditions.

## HUMAN RIGHTS ACT

FOR APPROVAL
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

In assessing this proposal a negative 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: Block 1:500, Location/Block/Proposed Floor/Proposed South East Elevation/Balustrade Sheet 1a of 2, Existing Floor/Elevation Sheet 2 of 2 received on 9th August 2013.

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 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.