

Recommendation Report for Planning Permission**REF NO:** BR/244/13/**LOCATION:** Flat 1
3 Park Road
Bognor Regis**PROPOSAL:** Retention of balcony. This application affects the character and appearance of the Bognor Regis (Aldwick Road) Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The balcony measures approximately 1.89m in width, depth of 880mm with wood balustrading 1m in height painted white and is supported by wooden posts and steel brackets. Wooden canopy above balcony to a maximum height of 3.9m.
SITE AREA	Approximately 138 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front is open to the highway, rear has close boarded fencing with conifer screening behind over 3m in height, side boundaries walls + hedging approximately 1.8-2m in height.
SITE CHARACTERISTICS	Three storey building converted into flats. The building is smooth rendered and painted cream, white on the rear. Flat 1 has a single storey extension on the rear. The balcony has been erected on the rear east elevation adjacent to the main bedroom.
CHARACTER OF LOCALITY	Predominantly residential comprising terraced properties many of which have been converted into flats, detached and semi-detached properties to rear in Victoria Road South.

RELEVANT SITE HISTORY

BR/36/10/	Demolish existing single storey sunroom and erect single storey rear extension on same footprint.	ApproveConditionally 22-04-2010
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REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

Conservation Area Advisory Committee

No objection

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas
	DEV19	Extensions to existing residential buildings
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character

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 is for the retention of the wooden balcony with canopy above that has been erected on the rear east elevation of Flat 1, 3 Park Road.

The property which is converted into flats is a Building of Special Character and Flat 1 is located at ground floor level. The balcony has been constructed adjacent to the main bedroom and access to this area is via the window and is used for the display of plants and for the drying of laundry. The balcony which is timber painted white to match the existing elevations is supported on timber posts and stainless steel brackets. The balustrading is timber and above this platform to keep the area dry a timber canopy has been erected to a maximum height of 3.9m.

The flat above has a bedroom window that is positioned directly above the balcony and the canopy is set lower than this window. The building to the north No 4 is converted into 4 flats. The balcony has the most impact on Flat 2 which has a bedroom window on the rear elevation adjacent to the structure and there is also an obscure glazed bathroom window on the south side elevation. In view of its position adjacent to the bedroom window and potential overlooking, if approved, a condition will be imposed that a screen be erected to a height of 1.8m.

There are properties to the rear of the site in Victoria Road South that are sited approximately 23m away but due to the presence of trees on the rear boundary to a height of over 3m the proposal is not readily visible so it is not considered that this would create unacceptable overlooking or loss of outlook to the occupiers.

The balcony in view of its minimal size, height and open appearance is not considered to harm the character of the building, and preserves the character and appearance of the Conservation Area and surrounding residential area.

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 has been constructed in accordance with the following approved plans: Site 1:1250, Block 1:500, Existing/Proposed Drg No PAR-001 dt 9.9.13, Proposed Elevations Drg No PAR-003 dt 9.9.13 received on 30th October 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 Details of a 1.8m high obscure glazed screen to be installed on the north side of the balcony shall be submitted to and approved by the Local Planning Authority and the screen so approved shall be constructed in accordance with those details before the expiration of the period ending on the 6th March 2014 and shall remain in perpetuity.

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