

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

REF NO: BR/59/20/HH

LOCATION: 4 Lansdowne House
The Esplanade
Bognor Regis
PO21 1TR

PROPOSAL: New second floor balcony and inward opening French doors.(This application may affect the setting of The Steyne Conservation Area)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a balcony to a second floor to the front elevation of a building.
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

NO COMMENT Due the outbreak of the Coronavirus (Covid 19), the Town Councils Planning and Licensing Committee are not meeting for the foreseeable future. For this reason, Bognor Regis Town Council submit NO COMMENT in response to this planning application at this time.

5 letters of representation received from nearby occupiers.

- A balcony would look out place within the Conservation Area.
- It will change the character of the area.
- The design of the building will change.
- It wasn't in the original build.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - The building is in the Conservation Area where there are a number of listed and locally listed buildings. Design of windows/doors can have a significant impact upon the character and appearance of the building. The proposal can be described as having less than substantial harm and public benefits need to be considered.

POLICY CONTEXT

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)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS**PRINCIPLE**

The key policies considered are D DM1, D DM4 and HERDM3 of the Arun Local Plan. Bognor Regis has a made Neighbourhood Plan with policy 1 and 2 of relevance to the application.

DESIGN AND VISUAL AMENITY

The balcony will front the seafront and as such is highly visible from the wider area.

The building has 3 storeys with the ground floor forming a restaurant. At first floor there is a balcony to one of the flats. The proposal seeks to replace an existing 2nd floor window with a balcony similar to that below. This will remove a small part of the bay window roof from the storey below.

The balcony is well integrated with the building, similar in design to that of the balcony below, although slightly smaller in depth and width and as such is not considered to appear overly dominant.

Whilst the creation of an additional balcony will alter the appearance of the property, the addition is not considered to appear as an alien feature upon the front elevation, with balconies to nearby properties. As such it will not appear out of character with the area.

The development is not considered to adversely impact the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan.

HERITAGE ASSETS

The proposal falls within the Steyne Conservation Area.

The first floor windows are larger than those on the second floor. The second-floor windows, whilst all appearing to be modern replacements have not affected/alterd the original openings themselves; i.e. dimensions and locations. The proposed balcony and associated French windows are problematic in that they directly affect the appearance of the upper section of the building. Introducing French Windows results in the loss of the original openings and disturbs the fenestration on this part of the building.

Para 190 of the NPPF requires the LPA to consider the significance of the proposal upon the heritage assets. The development can be described as having less than substantial impact and as such public

benefits need to be considered.

Public benefits would include

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

It is not considered there would be a public benefit as a result of the scheme.

However, it is not considered that the impact on the Conservation Area is reason alone to justify a refusal. As a result of the siting to the top floor and the design which is similar to the balcony below it helps the proposal integrate within the dwelling. As a result of this, the impact is not considered to be significant and thus not considered to result in a detrimental impact upon the heritage asset, in accordance with HER DM1 of the Arun Local Plan, in that it has no significantly harmful impact upon the setting of the Conservation Area.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act also needs to be considered which 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.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

RESIDENTIAL AMENITY

Due to the scale and type of the development it is not considered to appear overbearing or overshadowing. The balcony replaces a window and with views facing south over the street scene and beach it is not considered to result in adverse overlooking.

The proposal is considered to accord with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development 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.

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
 - Proposed Elevations - Rev B
 - Proposed Floor Plan - Rev B

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 **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.