

Recommendation Report for Planning Permission for Works or Extension to a Dwelling**REF NO:** FG/152/13/**LOCATION:** 2 The Strand
Ferring**PROPOSAL:** Proposed balcony extension above existing sun room with screening to east elevation.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1120 square metres.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging to front sides at approximately 2m in height. Close boarded fencing with trellis along the rear eastern boundary and hedging at 2m to west.
SITE CHARACTERISTICS	Detached chalet bungalow. Flat roof dormer to side (west) elevation. Painted white brickwork elevations and a pitched roof with brown pantiles. Rear conservatory and doors at first floor level on the rear elevation. A garage is situated forward of the property and close to the road.
CHARACTER OF LOCALITY	Predominantly residential in character. The site lies in a cul-de-sac with mixed dwelling sizes and styles. These properties are set in a staggered arrangement. A collection of beach huts are situated to the south.

RELEVANT SITE HISTORY

FG/44/13/CLP	Application for certificate of lawfulness for a proposed extension to living room to replace existing conservatory, conversion of roof space to form master bedroom with en-suite & formation of new porch	PP Not Required 25-06-2013
FG/65/13/	Demolition of existing garage to form new garage	ApproveConditionally 18-07-2013

REPRESENTATIONS**Representations received:**

Awaited.

One letter of objection.

-The height increase of the conservatory roof is much more substantial than indicated and will result in significant loss of daylight to the kitchen/diner of No. 1 The Strand.

-It will invade our privacy to the rear of our property as well as approximately 90% of the gardens of Nos. 1 and 3.

-The design is adhoc, modern in appearance and not in keeping with the property like a Juliette balcony would be.

-The rear of the property and therefore balcony is visible from the access lane to the beach car park, the car park itself, the public footpath that runs past No. 3 and the beach itself.

Comments on Representations received:

Comments noted. The conservatory height according to the plans will be increased by approximately 0.4m and cannot be more substantial than stated. Issues regarding loss of light, privacy and overlooking as well as its design are discussed within the Conclusions section of this report.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[DEV19](#)

Built-up Area Boundary

The Form of New Development

Extensions to existing residential buildings

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to raise and flatten the roof of an existing rear extension by 0.4m to allow the creation of a balcony at first floor level. The balcony will project from the rear wall of the property by approximately 3.6m and extend in width by approximately 3.1m. Obscured glazed screening is proposed on the side (east) elevation of the balcony to a maximum height of approximately 1.7m.

The proposed changes to the property are situated to the rear of the property and as such will not be visible from the road. Due to a rear gable end at approximately 4.1m in height, these changes will also not be viewed from the west. The alterations will be visible from the access lane and beach to the south but at a considerable distance away due to the sizeable length of the rear garden. Therefore, the balcony will be principally seen from the neighbouring properties to the east.

The increase in the height of the rear extension is small (0.4m) when set against the overall height of the property and its existing gable end. This increase will produce a flat roof instead of a currently inclined pitch for a balcony to be installed at first floor level. Rear balconies are seen at the immediately neighbouring properties of No. 1 The Strand and 37 South Drive to the east. Therefore, it is considered that the proposal is consistent with the residential character of the area and the appearance of the neighbouring properties.

The proposal is therefore considered to comply with policies GEN7(ii) and DEV19(i) of the Local Plan.

RESIDENTIAL AMENITY

The main issue with the proposal is the creation of a balcony and any resulting overlooking on to the neighbouring property and garden of No. 1 The Strand immediately to the east. However, obscure glazing is proposed to a maximum height of 1.75m on the eastern elevation which is considered to mitigate any harmful overlooking. The screening panels are also stepped in from the eastern edge of the property by over a metre to reduce any adverse residential effects such as having an overshadowing or overbearing effect. Due to the existing rear gable end of the property, the balcony is not considered to give rise to any overlooking to the west and there is a long garden and beach to the south. The increase in height of the rear extension is small at approximately 0.4m and is unlikely to cause any harmful effects on No. 1 The Strand.

The proposal is considered to comply with policies GEN7(iv) and DEV19(iii) of the Local Plan and as such is acceptable in residential amenity terms.

It is therefore recommended that the application is approved, subject to the following 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 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 shall be carried out in accordance with the following approved plan: Drawing No. 1 (Location plan, block plan, existing and proposed elevations, existing and proposed floor plans) dated 16th October 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The panels on the eastern boundary of the balcony hereby approved shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property 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.