

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

REF NO: FG/68/20/HH

LOCATION: 9 East Onslow Close
Ferring
BN12 5RR

PROPOSAL: New balustrade balcony to existing flat roof extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a balcony atop of the existing flat roof rear extension.
----------------------------	---

REPRESENTATIONS

Parish Council - No objection.
- Concerns relating to overlooking.

1 letter of support:

- There will be no harmful views from the proposal to the property to the neighbour to the rear.
- The balustrade would be hidden well against the contexts of the wall behind it, due to colour choice.

1 letter of objection:

- The balcony will result in direct overlooking of the private amenity area to the South.
- The balcony may result in noise and disturbance.
- The proposed screening is not suitable for its proposed use, and does not diminish overlooking concerns.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:

- Within built up area boundary

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)
DSP1	D SP1 Design

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

In this case, the key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan. Additionally, Policy 1A of the Ferring Neighbouring Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the Built Up Area Boundary will be supported, subject to accordance with other relevant development plan policies.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to result in any significant impact upon the character of the host dwelling, or its locality, due to its siting at the rear of the host dwelling. Therefore, there will be few views of the proposal available from the public realm. The proposed development is considered to be in accordance with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to its modest built form and siting.

Resultant of the siting of the balcony, it is considered to provide direct views into the neighbouring private amenity area to the South. However, it is considered that these views can be prevented by way of a condition imposing that obscure glazing screens be installed to 1.8m high on the Southern and Northern boundaries of the proposed balcony. Details of the screening will be required to be submitted in order to prevent the use of inappropriate materials. The screening will be sited over 3m from the private amenity area of the occupiers to the South, due to this distance and the aspect of the application site, the screening is not considered to result in an unneighbourly impact on these neighbouring occupiers.

It is noted that there have been concerns raised relating to potential for noise and disturbance from the proposed balcony. The balcony itself is not considered to result in an increase in noise and disturbance within the area, as any activities of which can take place on the balcony are no different to those from the host dwelling itself, or the existing garden.

The proposed development is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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.

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:

- Proposed Site Plan - 20-005 - P02 - Feb 20
- Proposed Plans - 20-005 - P03 - Feb 20
- Proposed Extensions - 20-005 - P03 - Feb 20

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 Prior to use of the balcony, details of 1.8m high permanently fixed obscure glazed panels must be submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the balcony. Prior to the use of the balcony, the panels shall then be installed on the Southern and Northern elevations of the proposed balcony, and shall be retained in perpetuity.

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

- 4 INFORMATIVE: The proposed trellising stated as to be installed on the Northern aspect of the

balcony is not considered to provide acceptable screening to prevent harm.

- 5 **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.