

Recommendation Report for Planning Permission

REF NO: K/13/17/PL

LOCATION: Arosa
5 Coastal Road
Kingston

PROPOSAL: Variation of condition 2 imposed under K/2/14/ relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. This application has been submitted to better take account of the residential amenity of neighbouring properties. The second floor balcony/sun deck area is now enclosed and forms part of the habitable space of the dwelling.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Brick walling to front at approximately 1m in height. Brick and stone boundary walling generally over 2m in height to rear and supplemented by hedging in places. There is wooden fencing at approximately 3m in height between the eastern boundary of the site and No. 3.

SITE CHARACTERISTICS

A 2 1/2 storey detached property with smooth rendered elevations painted cream and a hipped roof with brown pantiles. There is an attached garage forward of the property and a dormer in the rear roofslope. There are ground and first floor additions on the rear elevation

CHARACTER OF LOCALITY

Predominantly residential in character, there are mainly two storey detached properties set within spacious plots. The property is located on a private residential estate. The beach is situated beyond the rear gardens of properties on the south side of Coastal Road which includes No. 5.

RELEVANT SITE HISTORY

K/2/14/	Single and two storey extensions, alterations and refurbishment to dwelling, alterations to boundary wall.	ApproveConditionally 10-03-2014
K/34/15/PL	Demolition of existing dwelling & erection of new dwelling house	Refused 28-01-2016
K/40/16/HH	Three storey contemporary extensions to front & rear, single storey extension to East side & single storey extension to West side of garage. This application affects the setting of of a Listed Building	Refused 06-01-2017

REPRESENTATIONS**Representations received:**

Kingston Parish Council

No Objection subject to a condition that windows or other openings at first and second floor level on the side elevations should be fitted with obscure glass and be non opening (unless approved under K/2/14).

One Support - on presumption that the obscure windows are all fixed and therefore non-openable. Would like any additional windows in the east or west side elevations to require planning permission. Similarly if the previously approved balcony area (in January 2014) was proposed to be used as such a planning permission should be needed. This should be acceptable to the applicants.

Comments on Representations received:

The application is recommended for approval subject to the same condition imposed on K/2/14/ which states ' No windows or other openings (other than those shown on the plans hereby approved) shall be constructed at first and second floor level on the side (east) elevation without the prior permission of the Local Planning Authority on an application in that behalf. An additional condition is also suggested to ensure that the obscure glazing is retained and that the windows are non opening in the side elevations.

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
DEV19

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings

Publication Version of the Local
Plan (October 2014):

Kingston Neighbourhood Plan 2014 Policy KPNP7 DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications.

Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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 primarily seeks planning permission to alter the second floor balcony area to enclose it and reduce any potential overlooking. The other changes have already received planning approval under K/2/14/ and comprise a single and two storey extension and other alterations to the property. The overall effect of these works will be to substantially alter the

appearance of the building by having a more angular and contemporary design. The proposed extensions and alterations will turn the property into three storeys in height with a flat instead of hipped roof. However, the three storey proposal is not that dissimilar to the current property at 2 1/2 storeys in height. Also, the property will be a similar height to No. 7 to the west of the site and so will not upset or compromise the prevailing ridge heights of dwellings observed in the immediate vicinity. The proposed smooth rendered elevations of the extensions to match the existing are considered to achieve good visual integration with the host property.

The current property is situated on a private residential estate where property styles vary widely. This provides adequate scope for the proposal to be accommodated without loss of character or adversely affecting visual amenities in the street scene. The design of the property particularly with its porthole windows to front and rear is considered appropriate for its coastal location and context. The property will also occupy a similar location within the plot despite these changes. For these reasons, the building whilst significantly changed in its appearance will not unduly affect or compromise the setting of the immediately neighbouring listed building of Runnymede (No. 3).

The listed property of Sea Lane House (No. 2) would also not be adversely affected due to being on the opposite side of the road at some distance away from the application site.

Consequently, the proposal is considered to be acceptable in design terms and so is considered to comply with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed alterations to the property including a flat roof will mean that it is approximately 0.5m less in height than at present. The dwelling will also have a reduced width of approximately 5.5m so as to reduce its bulk and offset any additional form created by the flat roof. Therefore, the proposal is not considered to cause any harmful overshadowing or overbearing effects on neighbouring properties.

The sides of the second floor sun deck are now increased in height to match with the height of the property and the area is enclosed. This area was previously proposed to be obscure screened to a height of 1.8m. The first floor ends to the balcony are still proposed to be obscured glazed screening to a height of approximately 1.8m at both ends (east and west). This will ensure that there is no harmful overlooking on to the neighbouring side properties of Nos. 3 and 7. The first floor rear balcony area was not previously the subject of a condition requiring obscure glazing to the ends and it would not be reasonable to insist that obscure screening is added at this stage. In any case the balcony is set in from the side elevations of the property and retains a reasonable to side boundaries.

The rear elevation will be substantially glazed on all three floors but this faces on to a long rear garden and the beach beyond. Any overlooking over and above existing levels on to neighbouring gardens will be oblique and of a significant distance away so as to not cause harmful overlooking. There is only one window at first floor in the side east and west elevations and so on account of the acceptable separation distances being retained to neighbouring side boundaries and their circular design these are regarded as not causing any unacceptable overlooking or loss of privacy. However, it is recommended that a condition be placed on the permission to ensure that no windows or other openings be formed in the side (east) elevation at first and second floor level without an application being made on that behalf to protect the amenities of No. 3. This is due to the closer spatial relationship that exists between No. 3 and the subject property but does not apply with No. 7 as it is acceptably distanced away.

It is considered that the proposal complies with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

It is therefore recommended that the application be approved, subject to the following 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 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: drawing number 2027 (Location plan) dated 12 April 2017, Proposed Elevations 2027/01/08 , Ground Floor as Proposed 2027/01/04 and Proposed Second Floor Layout 2027/01/09.

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 materials and finishes of the external walls of the single and two storey extensions and other alterations hereby permitted shall match in colour and texture to those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No windows or other openings (other than those shown on the plans hereby approved) shall be constructed at first and second floor level on the side (east) elevation without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 The sides of the first floor side balcony areas shall at all times be obscure glazed and the windows on the east and west elevation at first and second floor of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 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.