

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

**REF NO:** K/15/12/

**LOCATION:** 65 Golden Avenue  
East Preston

**PROPOSAL:** Two storey rear and side extension. Removal of existing conservatory and replacement with single storey childrens room (also at rear). Enlargement of attached garage at front. Removal of mock Georgian portico at front and construction of matching enclosed porch

**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                                                                                                   |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above                                                                                                                                                                                                                                                          |
| SITE AREA                   | Approx. 1037 Sq.metres.                                                                                                                                                                                                                                           |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                                                                               |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                                                                                                                                |
| TREES                       | None of any significance affected by the proposed development.                                                                                                                                                                                                    |
| BOUNDARY TREATMENT          | Southern boundary to front garden kept by mature hedging of 3-4 metres in height, close board timber fencing to rear, approximately 2 metres in height. Low wall to front of site. Northern boundary kept by block wall and mature hedging, 3-4 metres in height. |
| SITE CHARACTERISTICS        | Detached 2 storey property, red brick elevations and gable concrete tiled roof. Single storey garage projecting forward of dwelling, Flat roof rear addition and timber conservatory. Property set back from highway.                                             |
| CHARACTER OF LOCALITY       | Private residential estate, characterised by a mix of types and styles of detached properties. Many properties have been extended.                                                                                                                                |

**RELEVANT SITE HISTORY**

None

**REPRESENTATIONS**

**Representations received:**

Kingston Parish Council

Council objects to the application considering that the rear first floor extension windows and balcony will be intrusive to neighbouring properties, particularly to the south of the property. Council considers:

- 1) there should be obscure glass in the new first floor bedroom windows facing south
- 2) there should be a privacy screen fitted to the southern end of the new proposed balcony. (Council accepts that this might negate the need for obscure glass in the most westerly of the new first floor bedroom windows facing south referred to above but it is unclear from the drawings supplied).
- 3) there should be obscure glass in the north facing window of the new en suite bathroom.
- 4) there should be a condition preventing access to the flat roof over the dining room except for repairs and maintenance.

1 letter of representation:

-Would like windows that face south on the proposed balcony to either be replaced with high level windows or windows to be opaque glass. These windows will look directly down into the conservatory of 67 Golden Avenue.

-Same concerns with the balcony but do not envisage that the balcony will be used.

**Comments on Representations received:**

The Council's comments are noted. Conditions are considered appropriate to ensure adequate screening to the balcony is provided prior to use, and views from side windows are restricted. Side screening to the balconies will further restrict views to the neighbouring site.

Comment on representations:

Comments are noted. Conditions are recommended to provide 1.8 metre obscure balcony screening to the southern elevation of the balcony prior to its use and obscure glazing to southerly facing first floor windows. This in turn will restrict any views from the balcony and southerly facing bedroom windows towards the garden and conservatory of No.67.

## CONSULTATIONS

**Consultations responses received:**

None

**Comments on Consultation responses:**

None

## POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

Public Right of Way

Private Road

## 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

### PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

### **PLANNING**

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**

### **PRINCIPLE**

The application seeks permission for a 2 storey side extension to the north elevation, a central two storey rear extension and single storey extensions to the rear elevation. A single storey replacement garage and porch is also proposed to the front elevation. The site is located within a private residential area forming part of the built-up area boundary.

### **CHARACTER OF LOCALITY**

The design of the extensions would produce a property which is well balanced as well as removing a flat roof garage to the principle elevation. The dwelling would sit comfortably on its plot and would not appear as overdevelopment. Roof heights in the street rise and fall in what is an area defined in character by a variety of property types and whilst the extensions proposed would increase the scale and alter the appearance of the dwelling they are considered to be visually integrated and subservient to host dwelling, and the garage extension although greater in scale would again represent an enhancement.

### **RESIDENTIAL AMENITY**

The proposed two storey side extension would maintain a minimum distance of 2.3m from the northern boundary of the site and a further 12m from the boundary of 61 Golden Avenue. Similarly the proposed two storey rear projection is to be set away from the boundaries by at least 6.5m to the southern and 6m to the northern boundary.

The height of the single storey sections to the rear of the dwelling together with a distance of some 3.1m being maintained from the southern boundary means that the proposal is not considered to result in any material loss of amenity.

The 1st floor windows proposed to the east elevation would be similar to those on the existing building, and those to the north and south are to be obscure glazed. Accordingly, the proposed windows would not give rise to overlooking of neighbouring properties over and above that which currently exists. The proposed balcony however would give rise to unacceptable overlooking given the proximity and orientation from the neighbouring property. As such it is considered prudent to

attach a condition requiring details of obscure screening to be provided along the southern and northern flanks of the balconies to restrict direct views towards the neighbouring garden.

#### **SUMMARY**

The proposed extensions are considered to be acceptable in terms of design and scale. Whilst the appearance of the dwelling would be altered the extensions are considered to be sympathetic to the host dwelling and the varied street scene. Further, the extensions are not considered to result in unacceptable loss of amenity to neighbouring properties given their orientation, subject to subject to suitable conditions and the scale of development close to shared boundaries.

It is therefore recommended that the application be approved subject to the following conditions.

#### **HUMAN RIGHTS ACT**

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 shall be carried out in accordance with the following approved plans:

1:2500 Plan;

Drawing No. 081183/SP/6 Rev A; 081183/PL/1 Rev A; 081183/PL/2 Rev A; 081183/PL/3 Rev A; 081183/PL/4 Rev A; 081183/PL/5 Rev A; 081183/RP/8 Rev A.

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 and roofs of the extensions hereby permitted shall match in colour and texture those of the existing dwelling.

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

- 4 Before the balconies hereby permitted to the south and north sides of the rear extension come into use, details of 1.8m high obscure screening for the southern and northern elevations of the balconies shall be submitted to and approved by the Local Planning Authority. The balconies shall not be used until such screening has been erected in accordance with the approved plans and shall thereafter remain in perpetuity.

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

- 5 The windows at first floor level of the southern and northern elevations of the two storey rear extension shall at all times be glazed with obscured glass.

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

- 6 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

#### SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

#### RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.