

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

REF NO: K/15/19/HH

LOCATION: Peterley
45 Coastal Road
Kingston
BN16 1SN

PROPOSAL: Removal of front bay and minor changes to fenestration, minor changes to fenestration on East and West elevations, extension of first floor balcony.
Provision of second floor balcony with extension to second floor and alterations to elevation and fenestration.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is noted that there is a previous, existing permission for development within the plot, under reference K/41/18/HH. This application however, has differences to this previous permission. These predominantly relate to the fenestration of the elevations, and extension to the first floor balcony, and the provision for a second floor balcony.
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RELEVANT SITE HISTORY

K/41/18/HH	Two storey rear/side extension, two storey front extension, first floor side extension & addition of a 2nd floor.	ApproveConditionally 26-03-19
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

No Objection to the application provided that appropriate privacy screening to balconies and opaque glass to windows are used to prevent overlooking of neighbouring properties, and that there should be no access on to roof spaces except for maintenance.

No representation from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
Within the 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
SDSP2	SD SP2 Built-up Area Boundary

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policy is deemed to be D DM1 of the Arun Local Plan. Additionally, KPNP7 of the Kingston Neighbourhood 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 HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy KPNP 7 of the Kingston Neighbourhood Development Plan relates to the design and development of proposals within the built up area boundary. The design and location of the development must be appropriate any sympathetic to the character and appearance of the Parish in terms of scale, massing, aspect, siting, layout, density, materials, landscaping and design features. It seeks to protect and enhance biodiversity, and have minimal impact on users and occupiers of nearby occupiers of land.

SITE HISTORY

It is noted that there is a previous, existing permission for development within the plot, under reference K/41/18/HH. Therefore, the differences between the proposals will be addressed in the report. These predominantly relate to the fenestration of the elevations, and extension to the first floor balcony, and the provision for a second floor balcony.

DESIGN AND VISUAL AMENITY

The proposed alterations are not considered to have any significantly harmful impact upon the character of the host dwelling, or its wider locality. This is due to the fact that the area is host to a wide variety of

building designs and styles. The proposed alterations are generally reasonably minor, especially in regard to their built form.

The proposed development is not considered to have any significantly harmful impact upon the established character of the host dwelling, or its wider locality, and is therefore considered to be in accordance with D DM1, D DM4(a) and (b) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any significant overbearing or overshadowing impact, as a result of the scale of the development being of no significant built form. Whilst the proposal proposes alterations to windows, there are not considered to be any windows that provide any views that are not available from the host dwelling as existing. This is because the windows proposed at second floor level, on the East and West, are above 1.7m from internal floor level. The proposed first floor balcony extension stretches the full width of the rear of the host dwelling, and therefore provides views to the East, South and West. Due to the potential for loss of privacy, as a result of direct overlooking to the East and West, it will be conditioned that obscure screening is installed at these boundaries, in order to prevent said overlooking. The same can be said for the proposed creation of the balcony at second floor level, and therefore, similar obscure screening will be conditioned to be erected.

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:

 - Location Plan - 10001998
 - Proposed Ground Floor - 2395/01/03/A - November 2018
 - Proposed First Floor - 2395/01/04/A - November 2018
 - Proposed Second Floor - 2395/01/05/A - November 2018
 - Proposed Plans - 2395/01/06/A - November 2018
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 The eastern and western elevations of the balcony at first floor level, shall at all times be obscured to a height of 1.7m with fixed obscured glass and said screening 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 The eastern and western elevations of the balcony at second floor level, shall at all times be obscured to a height of 1.7m with fixed obscured glass and said screening 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.
- 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.