

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

REF NO: K/23/21/HH

LOCATION: Mimosas
Gorse Avenue
East Preston
BN16 1SF

PROPOSAL: Erection of part 2 storey and single storey rear extension and first floor balcony

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

REPRESENTATIONS

Kingston Parish Council: Objection: ridge height of the extension considerably higher than original, but no heights given for the elevations, only the comment "existing survey was undertaken by others, including heights". rough calculations put it higher by nearly 1 metre (900 mm / 35 inches) to the original roof. - Spring Tide could be overlooked from the new balcony. Kingston Parish Council request, if this application is approved, it must with the provisos: 1. The ridge height is lower or in line with neighbouring properties, and 2. The balcony does not overlook adjacent properties

No representation from nearby occupiers.

CONSULTATIONS**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

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & DEVELOPMENT**PLANNING POLICY GUIDANCE:**

NPPDG National Design Guide

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

CONCLUSIONS

PRINCIPLE

The proposal is for extensions and alterations to a dwelling. Key policy considerations are D DM1 & D DM4 of the Arun Local Plan (2011-2031) and KPNP7 of the Kingston Parish 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 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 KPNP 7 of the Kingston Neighbourhood Development Plan relates to the design and development of proposals in 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.

DESIGN AND VISUAL AMENITY

The dwelling is on the private estate fronting Gorse Avenue on the south side. It is set a good way back from the road with Mariners located between it and the main road. The buildings on Gorse Avenue have no set character with materials, individual character, design and scale all varying from plot to plot. The wider locality is sub-urban in its appearance, in that to the south there is the sea and to the north there are large agricultural fields.

The single storey rear extension is to the south of the dwelling. This element of the application is subservient to, and well integrated with the dwelling, this is largely due to the design of the proposal and the use of materials. The provision of a flat roofed extension and balcony above would not be out of character with the dwelling and would not dominate the appearance of the dwelling.

The two storey aspect due to the raising of the roof height cannot be considered subservient to the host. However due to the increase being of a minor nature it is not to the detriment of the application. There are examples of a variety of heights throughout the estate as such this increase of 1.5m on a spacious plot is not considered to cause a precedent for taller dwellings in the future.

Whilst the extension results in a modest reduction in distance between the dwelling and the neighbouring dwelling, the locality has a varied spatial pattern, which the proposal contributes towards.

It accords with Part M of the Design Guide in that the form does not overpower the existing or neighbouring properties, integrates with the existing dwelling, and uses materials which match the existing building, responds to existing elevations through the size and positioning of doors and windows and maintains established building lines. The application is complies with D DM4 of the Arun Local Plan due to the limited scale of the rear extension and no significant harm would result to the intrinsic rural

character, or that of the dwelling, the proposal is deemed in accordance with D DM1 of the Arun Local Plan. Whilst taller the buildings scale would not conflict with the requirements of KNP7.

NEIGHBOURING RESIDENTIAL AMENITY

The development is not considered to have significantly harmful overshadowing or overbearing impact upon occupiers of neighbouring dwellings to its East or West. This is largely due to its limited scale and its large separation distances from adjacent dwellings. Whilst the development will have some views to its neighbour to the east the development is not deemed to result in a loss of privacy to occupiers of neighbouring dwellings, due to the balcony gaining views over the final section of garden closest to the beach with some mature foliage on the boundary this is considered to mitigate any looking back towards the neighbouring property itself. Furthermore, the proposed siting of the balcony is to the south side of the site where views from the public realm are available due to the greenspace and sea in close proximity. To the west there is a significant distance between the balcony and the neighbouring boundary. This is accentuated through the design of the scheme being set back from the western most elevation.

Whilst the height of the property is to be increased which will have some impact on the neighbours the increase is not considered to be demonstrably harmful due to the varying heights of properties within the locality this is due to the existing highest point being 7.25m which will increase to 8.4m with the pitch height increasing by 1.15m. the design of the proposal with a pitched roof allows the scheme to be acceptable, due to the eaves height of the neighbouring properties significantly higher than that of the proposed.

Part M of the Arun Design Guide explains that proposals should preserve the amenity of the original and neighbouring property in regards to overlooking, overbearing and overshadowing. The proposal of is considered to comply with this due to the separation distance and the scale of the proposed.

The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan and KNP7 of the Neighbourhood 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

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.

CIL DETAILS

This application is not CIL Liable.

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:
 - Existing Floor Plans 01
 - Existing Elevations and Location Plan 02
 - Proposed Floor Plans and Block Plan 03
 - Proposed Elevations 04
 - Proposed Roof Plans and Sections 05

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 **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.