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

REF NO: **K/25/13/**

LOCATION: Finale House
Gorse Avenue
East Preston

PROPOSAL: Extension to rear balconies.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The extensions will be made to two existing balconies on the southern (rear) elevation.
SITE AREA	Approximately 1970 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by an approximately 1.8 metre high brick wall.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling that has elevation finishes consisting of a mix of red brick, tile hanging and painted render.
CHARACTER OF LOCALITY	The dwelling is located on a residential road that is lined by detached residential dwellings of a mixture of designs and scales. Properties on the southern side of the road back onto a grass swathe which si traversed by a public footpath. This swathe in turn backs onto the beach.

RELEVANT SITE HISTORY

K/14/01/	Demolition of existing house & erection of new detached dwelling	ApproveConditionally 08-08-2001

REPRESENTATIONS

Representations received:

Kingston Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:
None.

POLICY CONTEXT

Within Built-Up Area
PD Restriction: K/14/01/
- Condition 5 - first floor windows on eastern elevation to be obscure glazed.
- Condition 6 - no further first floor windows to be installed in western elevation without LPA approval.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

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

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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

Rear balconies are an original feature of the dwelling. The proposals consist of a modest increase in the size of these balconies and it is not considered that this will significantly alter the appearance of the dwelling. It is therefore considered that there will be no unacceptable adverse impact upon the character and appearance of the surrounding area.

The proposal includes new balustrading which will be installed on both the existing balconies as well as the extensions.The height of the balcony extensions mimics the of the existing features and will ensure that they appear as a natural continuation of them and, as such, enjoy strong visual integration towards the host dwelling. The modest scale of the increase in the size of the balconies will prevent them from appearing overwhelming towards the host dwelling and visual subservience towards it will be maintained.

With regards to the amenities of neighbouring residents, views from the sides of the balcony towards neighbouring property will be obstructed by the two-storey elevation walls and roofs of the existing dwelling. Views will therefore be chanelled towards the south where they will look in the direction of the sea and will not be invasive. The positioning of the proposed extensions away from site boundaries as well as their modest scale will prebvent them from appearing overbearing or being the cause of undue elvels of overshadowing. As a result of the above observations, it is not considered that there will be any unacceptable adverse impact upon overall residential amenities.

It is therefore recommended that the application is approved, 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 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 it has been determined that its approval would result in a neutral impact

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).

As such, no specific mitigation measures are required.

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:-

13002/01;
13002/01a;
13002/02R1;

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 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.