

Recommendation Report for Planning Permission

REF NO: K/32/20/PL

LOCATION: Little Tangle
Middle Way
Kingston
BN16 1SB

PROPOSAL: Variation of condition 2 imposed under K/19/19/HH (APP/C3810/D/19/3241331)- materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. This application is in CIL Zone 4 (Zero Rated) as no increase in floor area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks amendments to an earlier approval, K/19/19/HH (APP/C3810/D/19/3241331), the amendments relate to the proposed materials.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered by a mixture of fencing and foliage.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	The locality is populated by a mixture of dwellings designs, styles and types.

RELEVANT SITE HISTORY

K/19/19/HH	Two storey rear extension with a small canopy projecting the footprint to the front. Demolition of existing living room and additional first floor for habitable use with alterations to fenestration.	Refused 10-10-19
		Appeal: Allowed+Conditions 23-01-20

Noted.

REPRESENTATIONS

Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within 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:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 is not considered to result in any harmful impact upon the character of the locality.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposal seeks amendments to an earlier approval, K/19/19/HH (APP/C3810/D/19/3241331), these are detailed further below:

- Change of materials

Therefore, consideration of this application is limited to visual amenity.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to result in any harmful impact upon the character of the locality. This is due to the varied character of the locality allowing the proposal to not appear at odds with the area. Furthermore, it is noted that the neighbouring dwelling utilises a similar palette of materials, which allows the proposal to appear greater integrated with the character of the area.

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 materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those specified in the materials schedule approved as follows:

- Materials List - 1-10

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of Condition 2 of planning permission K/19/19/HH (APP/C3810/D/19/3241331). The applicant is advised and reminded that the planning conditions attached to the original planning permission, K/19/19/HH (APP/C3810/D/19/3241331), remain in force. This decision only relates to the variation of Condition 2 of that planning permission.
- 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.